



Convention on the Rights of Persons with Disabilities

Distr.: General
7 June 2022

Original: Chinese and English
Chinese, English, French and
Spanish only

Committee on the Rights of Persons with Disabilities

Twenty-seventh session

15 August–9 September 2022

Item 5 of the provisional agenda

Consideration of reports submitted by parties to the Convention
under article 35

Replies of Hong Kong, China to the list of issues in relation to its combined second and third reports* **

[Date received: 21 April 2021]

* The present document is being issued without formal editing.

** The present document forms part of the replies to the list of issues in relation to the State party report of China (CRPD/C/CHN/RQ/2-3), which should be read in conjunction with the replies to the list of issues in relation to the report of Macau, China (CRPD/C/CHN-MAC/RQ/2-3).



A. Purpose and general obligations (arts. 1–4)

Replies to paragraph 1 (a) of the list of issues CRPD/C/CHN-HKG/Q/2-3

1. In line with the United Nations Convention on the Rights of Persons with Disabilities (the Convention), the Government of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China is fully committed to promoting, protecting and ensuring the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promoting respect for their inherent dignity. As reported in paragraph 9 of the Combined Second and Third Periodic Reports 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 (Combined Report), the HKSAR Government acknowledges the principles set out in Article 3 in implementing the Convention. At the constitutional level, the Basic Law of HKSAR of the People's Republic of China (Basic Law) protects the fundamental rights of all persons, including persons with disabilities. At the domestic legislation level, these rights are protected by the Hong Kong Bill of Rights (HKBOR) under the Hong Kong Bill of Rights Ordinance (Cap. 383). When formulating and reviewing legislation concerning persons with disabilities, HKSAR Government bureaux/departments (B/Ds) will give due regard to the core values of the Convention and seek to ensure that the legislation is in compliance with the principles and obligations enshrined in the Convention.

Replies to paragraph 1 (b) of the list of issues

2. The Disability Allowance (DA) is a non-contributory, non-means-tested and non-accountable scheme, which assists HKSAR residents with severe disabilities in meeting any special needs arising from disability conditions. The assessment of eligibility is conducted by medical doctors of public hospitals or clinics.

3. As reported in paragraph 7 of the Combined Report, the HKSAR Government completed a review on the eligibility criteria for DA in 2015 and put forth a number of recommendations to provide further support for persons with disabilities. For instance, adjustments to the medical assessment form used by medical doctors for assessing the eligibility were recommended so as to achieve consistency and objectiveness in conducting medical assessment. Having consulted stakeholders, the revised form has been put in use from 2019.

Replies to paragraph 1 (c) of the list of issues

4. The HKSAR Government maintains a continuous review of the coverage of different categories of disabilities. The Persons with Disabilities and Rehabilitation Programme Plan (RPP, previously known as the Hong Kong Rehabilitation Programme Plan) newly publicised in July 2020 has recommended that the definition and classification of disabilities be regularly updated to keep abreast with local and international developments with a view to better identifying the needs of persons with different types of disabilities for future service planning. RPP has also recommended that the International Classification of Functioning, Disability and Health (ICF) framework issued by the World Health Organisation be adopted in the surveys on persons with disabilities. The HKSAR Government will implement these recommendations.

Replies to paragraph 1 (d) of the list of issues

5. As regards the definition of disabilities adopted in different pieces of legislation and provision of services, as explained in paragraph 6 of the Combined Report, Government B/Ds generally make reference to the definition under RPP in formulating policies and services relating to persons with disabilities. Given the diverse needs of persons with different categories and severity of disabilities, it is necessary for Government B/Ds to make appropriate adjustments and adopt specific assessment tools of suitable demarcation of target persons with disabilities in order to provide appropriate support to them under respective programmes and policy objectives. As far as formulation of legislation is concerned, the definition of disability needs to be crafted to properly reflect the legislative objective to be

achieved and facilitate implementation. With the different objectives of different ordinances, it is necessary to provide for a definition of disability suited to the specific objective of a particular ordinance. This explains why such definition in one piece of legislation may not be identical to that under another piece of legislation. The HKSAR Government has sought to ensure that the definition is consistent with “inclusive equality” enshrined in the Convention.

Replies to paragraph 2 (a) of the list of issues

6. The HKSAR Government attaches great importance to the participation of persons with disabilities in the implementation of programmes/services relevant to them, taking account of the well-being and development needs of children with disabilities. This is reflected by the establishment of the high-level Commission on Children. At the preparatory stage, a Preparatory Committee chaired personally by the Chief Executive was set up in September 2017 to prepare for the establishment of the Commission. 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 the general public, and gave advice on the status, terms of reference, structure, membership and initial work plan of the Commission. The Commission as established from June 2018 is chaired by the Chief Secretary for Administration, with the objectives to enhance and monitor the integration and rationalisation of children-related policies under different Government 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.

7. As mentioned in the replies to paragraph 1 above, RPP has been newly publicised in July 2020. One of the guiding principles of RPP is to abide by the purpose of the Convention. The formulation of RPP was supported by three stages of public engagement (namely scoping, formulation of recommendations and consensus building) conducted in 2018 to early 2020 with the active participation of persons with disabilities, their representative organisations, service providers in the rehabilitation sector and stakeholders.

Replies to paragraph 2 (b) of the list of issues

8. To prepare for the Combined Report, the HKSAR Government had conducted public consultation on the outline of topics for inclusion in the Combined Report, inviting members of the public (including person with disabilities and their organisations) to provide their views on the implementation of the Convention in HKSAR and suggest other topics for inclusion in the Combined Report. Specifically, the outline was distributed to relevant non-governmental organisations (NGOs) and stakeholder groups of the rehabilitation sector, and was publicised online for public comment. In addition, four public consultation sessions were conducted.

9. Stakeholder engagement and public consultation are also carried out in the formulation of legislation, policies and initiatives relating to persons with disabilities. The formulation of RPP as mentioned above is an example. It was led by the Rehabilitation Advisory Committee (RAC) as the HKSAR Government’s major advisory body on policies and measures for persons with disabilities, comprising members from sectors concerned including persons with disabilities, their organisations and NGOs providing rehabilitation services for persons with disabilities. RAC had specifically set up a Review Working Group to undertake the formulation of RPP. Members of the Review Working Group included persons with disabilities, representatives from self-help organisations of persons with disabilities, NGOs providing rehabilitation services, and parents/carer groups concerned.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

Replies to paragraph 3 (a) of the list of issues

10. In replies to the Equal Opportunities Commission (EOC)'s recommendations on improving the four anti-discrimination ordinances, the HKSAR Government has taken forward eight recommendations of higher priority by enacting the Discrimination Legislation (Miscellaneous Amendments) Ordinance 2020 in June 2020. The Amendment Ordinance enhances the protection from discrimination and harassment in the four anti-discrimination ordinances including the Disability Discrimination Ordinance (DDO) (Cap. 487). Specifically, the following amendments were effected under DDO:

- (i) Providing protection from disability harassment among participants in a common workplace;
- (ii) Providing protection to service providers from disability harassment by customers;
- (iii) Providing protection from disability harassment between customers and service providers where disability harassment takes place outside HKSAR but on HKSAR registered aircraft or ships; and
- (iv) Providing protection from disability harassment to members and applicants for membership of a club.

11. The HKSAR Government is studying EOC's remaining priority recommendations in detail.

Replies to paragraph 3 (b) of the list of issues

12. DDO provides persons with disabilities and their associates with the legal safeguard for equal opportunities, and protects them against discrimination, harassment and vilification by both public and private actors in various areas (including employment, education, access to premises, provision of goods, services and facilities). Associates of persons with disabilities (including their spouses, relatives, carers, persons living with them on a genuine domestic basis, and persons in a business, sporting or recreational relationship with them) are also protected by DDO.

Replies to paragraph 3 (c) of the list of issues

13. Under DDO, EOC is equipped with statutory functions and powers to work towards the elimination of discrimination on the ground of disability in specified areas of activities, including conducting formal investigations, handling complaints, encouraging conciliation between parties in dispute, providing assistance to aggrieved persons in accordance with DDO. As mentioned in the replies to paragraph 3(a) above, the HKSAR Government has recently completed legislative amendments to expand the scope of DDO in June 2020.

Replies to paragraph 3 (d) of the list of issues

14. EOC plays a proactive role in promoting equal opportunities for persons with disabilities. Specifically, EOC has issued the following codes of practice/guidelines on equal opportunities in education and employment, which promote good practices relating to reasonable accommodation:

- DDO – Code of Practice on Education;¹
- DDO – Code of Practice on Employment;²

¹ https://www.eoc.org.hk/eoc/otherproject/eng/color/youthcorner/education/cop_edu/cop_edu_b.htm.

² https://www.eoc.org.hk/eoc/Upload/UserFiles/File/ddocop_e.pdf.

- DDO and People with a Visual Impairment;³
- DDO and People with a Hearing Impairment;⁴ and
- Equal Opportunities in Employment: Good Management Practices.⁵

15. Under DDO, all educational establishments are prohibited from discriminating against students on the ground of disability, such as by refusing to accept the students' admission applications, in the terms or conditions on which they are prepared to admit the students, or subjecting the students to any other detriment. Subject to assessments and recommendations of specialists and with parents' consent, the Education Bureau (EDB) refers students with more severe or multiple disabilities to special schools and provides the schools with specialist staff and resources to render intensive support for the students. Under the policy of Integrated Education, other students with special educational needs (SEN) will attend ordinary schools which are provided with additional resources, professional support and teacher training to cater for the needs of these students. The schools can flexibly deploy the resources for hiring professional support services or procuring assistive equipment and facilities, including sign interpretation service and wireless transmission systems to support students with hearing impairment, and braille machines and closed circuit television magnifiers for students with visual impairment.

Replies to paragraph 3 (e) of the list of issues

16. The four existing anti-discrimination ordinances (namely DDO, Sex Discrimination Ordinance (Cap. 480), Family Status Discrimination Ordinance (Cap. 527) and Race Discrimination Ordinance (Cap. 602)) provide protection against discrimination on prescribed grounds, including sex, pregnancy, marital status, disability, race and family status.

Women with disabilities (art. 6)

Replies to paragraph 4 (a) (b) and (c) of the list of issues

17. At the constitutional level, the Basic Law protects the right to equality and non-discrimination of all Hong Kong people, including women and girls with disabilities. At the domestic legislation level, such rights are also protected by HKBOR. The Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child also apply to HKSAR. The Sex Discrimination Ordinance currently provides statutory protection against discrimination on the grounds of gender, marital status and pregnancy. From 19 June 2021, breastfeeding discrimination will be prohibited under the Ordinance.

18. The HKSAR Government established the Women's Commission in 2001. Appointed by the Chief Executive, the Commission is tasked to advise the HKSAR Government on policies and initiatives which are of concern to women.

19. To assist government officers to implement gender mainstreaming, the Women's Commission has developed a Gender Mainstreaming Checklist taking into account overseas experience and local situation. The Checklist is an analytical tool containing a set of simple questions to assist government officers in considering the different needs and perspectives of both genders in a more systematic way during the process of policy formulation, implementation, monitoring and evaluation. As announced in the 2015 Policy Address, the Chief Executive has accepted the recommendations of the Women's Commission that, starting from April 2015, all Government B/Ds should refer to the Checklist and apply gender mainstreaming when formulating major government policies and initiatives.

20. The HKSAR Government works closely with the Women's Commission in promoting women's interests and well-being through the provision of an enabling environment, empowerment of women and public education. An annual budget of HK\$38 million is

³ https://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=ddo_visual.

⁴ https://www.eoc.org.hk/EOC/GraphicsFolder/showcontent.aspx?content=ddo_hearing.

⁵ <https://www.eoc.org.hk/eoc/upload/embracepdf/EmbraceEngAll.pdf>.

allocated for supporting the work of the Women's Commission, including implementing the Capacity Building Mileage Programme and the Funding Scheme for Women's Development, and carrying out public education and publicity activities.

Replies to paragraph 4 (d) of the list of issues

21. As mentioned in the replies to paragraph 1 above, RPP has been publicised in July 2020. RPP sets out the strategic directions, recommendations and measures to respond to the various service needs of persons with disabilities during their life span (including women and girls with disabilities, irrespective of their age and place of residence), encompassing pre-school rehabilitation to higher education; vocational rehabilitation and training; employment support; community and residential care services; promotion of disability inclusive culture; accessible facilities and transport; participation in cultural and arts, recreational and sports activities; sustainable development of services, etc.

Children with disabilities (art. 7)

Replies to paragraph 5 (a) and (b) of the list of issues

22. For child care services, NGOs subvented by the Social Welfare Department (SWD) provide a wide range of day and residential child care services, including those provided by child care centres for children aged under three as well as foster homes, small group homes and children's homes for children aged under 18. Children with disabilities, irrespective of their gender and place of residence, have access to these mainstream services on an equal basis with other children.

23. On education, the HKSAR Government attaches great importance to supporting students with SEN and adopts a dual-track mode in providing special education, under which students with more severe or multiple disabilities are admitted to special schools for intensive support services while other students with SEN attend ordinary schools. The total government expenditure on special schools and Integrated Education has increased significantly by about 80% in the recent five years (from HK\$3.65 billion in 2016-17 to an estimate of HK\$6.57 billion in 2020-21).

24. Schools admit students with SEN and provide appropriate education and support for them, including adaptations to teaching, curriculum and assessment. The schools are also required to establish a regular communication mechanism with parents and stakeholders for the latter's better understanding of the needs of and the support received by students with SEN.

25. The Student Mental Health Support Scheme (SMHSS) has been launched since the 2016/17 school year to provide support to students with mental health needs based on a medical-educational-social collaboration model. SMHSS aims to facilitate early identification and intervention which enable students with mental health needs to receive multi-disciplinary support in the school setting. There are 150 schools participating in SMHSS in the 2020/21 school year, representing an increase of about 70% as compared with the participating school number in last school year.

Replies to paragraph 5 (c) of the list of issues

26. As mentioned in the replies to paragraph 2 above, the HKSAR Government attaches great importance to the well-being and development needs of children with disabilities. This is reflected by the high-level Commission on Children established from June 2018 as chaired by the Chief Secretary for Administration, with the objective to enhance and monitor the integration and rationalisation of children-related policies under different Government 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.

Replies to paragraph 6 of the list of issues

27. Recognising the importance of early intervention for children in need of rehabilitation services, the HKSAR Government regularised the On-site Pre-school Rehabilitation Services (OPRS) from a pilot scheme in October 2018. Specifically, SWD provides subvention for NGOs to set up multi-disciplinary OPRS teams (comprising social workers, clinical psychologists/educational psychologists, special childcare workers, speech therapists, physiotherapists and occupational therapists) to provide on-site rehabilitation services for children with special needs in kindergartens/kindergarten-cum-child care centres. The number of OPRS service places has been increased from about 3 000 under the pilot scheme to over 8 000 in September 2020. The estimated expenditure in 2020-21 is around HK\$850.4 million. The number of service places will be further increased to 10 000 by the 2022/23 school year.

28. Apart from OPRS, the HKSAR Government provides a wide range of other rehabilitation and training programmes for children with special needs through Early Education and Training Centres (EETCs), Special Child Care Centres (SCCCs) and Integrated Programme in Kindergarten-cum-Child Care Centres, as reported in paragraphs 7.8 and 24.10–24.11 of the Initial Report. The total number of service places of EETCs and SCCC will be increased by about 1 200 from 2019-20 to 2022-23, involving a full-year expenditure of about HK\$129 million.

Awareness-raising (art. 8)

Replies to paragraph 7 (a) and (b) of the list of issues

29. For promoting the spirit and core values of the Convention, the HKSAR Government has increased the annual funding from HK\$13.5 million to HK\$20 million from 2020-21 for implementing diversified public education and publicity activities/programmes, covering the promotion of the disability inclusive culture, inclusive workplace, accessibility of environment, transport, services, information and entertainment, as well as the talents and capabilities of persons with disabilities. The funding is also available for application by NGOs and self-help groups of persons with disabilities for organising activities/programmes aimed at increasing public awareness of the rights of persons with disabilities. In the implementation process, views and comments are sought from RAC which comprises members from sectors concerned, including persons with disabilities, their organisations and NGOs providing rehabilitation services for persons with disabilities.

30. On education, EDB raises awareness of Integrated Education among the public and parents through various media. Specifically, EDB has published the Operation Guide on the Whole School Approach (WSA) to Integrated Education and the Parent Guide on WSA to Integrated Education for use by schools and parents respectively, in which the principles of Integrated Education are explained and supported with the illustration of successful cases. EDB has also set up a task force for regular communication with various sectors including schools, other government departments, organisations of persons with disabilities and parent associations. The total expenditure on the implementation of Integrated Education has increased by about 140% from HK\$1.36 billion in 2016-17 to an estimate of HK\$3.23 billion in 2020-21. EDB will continue to collaborate with different sectors to expound on the latest development of Integrated Education to stakeholders through different media and forms of publicity activities.

31. Separately, the HKSAR Government has earmarked an annual funding of HK\$50 million to embark on an ongoing mental health promotion and public education initiative. The first phase of the new initiative (the Initiative) was launched in July 2020 to enhance public understanding of mental health, thereby reducing stigmatisation towards persons with mental health needs, with a view to building a mental health friendly society in the long run. As one of the programmes under the Initiative, the Mental Health Workplace Charter was launched earlier in November 2019 with the aim to promote mental health friendly environment at the workplace. As at September 2020, around 280 organisations pledged to become signatories to the Charter, covering about 380 000 employees.

Replies to paragraph 7 (c) of the list of issues

32. According to the television and radio codes of practice on programme standards issued by the Communications Authority (an independent statutory body established under the Communications Authority Ordinance (Cap. 616) to regulate the broadcasting and telecommunications industries in HKSAR), a broadcasting licensee should not include in its programmes any material which is likely to encourage hatred against or fear of, and/or considered to be denigrating or insulting to any person(s) or group(s) on the basis of physical or mental disabilities, among others. All broadcasting licensees and Radio Television Hong Kong as the public service broadcaster should comply with the above general principle.

Accessibility (art. 9)**Replies to paragraph 8 (a) of the list of issues**

33. For public rental housing (PRH), the PRH estates managed by the Hong Kong Housing Authority are designed with barrier-free access (BFA) and universal design principles. Specifically, there are BFA routes and tactile guide paths connecting the domestic blocks to major facilities in the estates (e.g. commercial, welfare and community facilities). For existing PRH estates with older design, the BFA Improvement Programme has been implemented to enhance the design of lift cars and lift control panels, improve pedestrian walkways, and add handrails and tactile warning strips.

34. In addition, under the Lift Addition Programme launched in 2008, the Hong Kong Housing Authority has enhanced existing pedestrian access within PRH estate boundaries, including the provision of lifts in estate common areas, in PRH blocks built without lifts and adjacent to existing footbridges connecting the estates.

35. The “Universal Accessibility” Programme has also been launched to retrofit BFA facilities (e.g. lifts) at walkways, under which 163 projects have been completed, 60 are under construction and 156 are at different stages of investigation and design.

36. For private buildings, Regulation 72 and the Third Schedule to the Building (Planning) Regulations (Cap. 123F) under the Buildings Ordinance (Cap. 123) set out the statutory design requirements on BFA and facilities to meet the needs of persons with disabilities. These requirements are applicable to all new buildings as well as all alterations or additions to existing buildings where persons with disabilities have, or may reasonably be expected to have access to. To supplement the statutory requirements, the Buildings Department (BD) has issued the Design Manual: Barrier Free Access 2008 (DM) to set out the obligatory design requirements stipulated under the Building (Planning) Regulations, as well as the recommended design requirements which are best practices with enhanced provisions leading to better and more convenient access and facilities. BFA should be provided in the common areas of buildings, including landscaped gardens, green roofs as well as other outdoor and indoor facilities.

37. BD has set up a technical committee on DM (comprising representatives from relevant Government B/Ds, building professional institutes, the academia and the rehabilitation sector including persons with disabilities) for reviewing DM on a regular basis. A series of amendments to DM have been issued in 2012, 2015, 2017 and 2019. Relevant efforts will continue.

Replies to paragraph 8 (b) of the list of issues

38. The HKSAR Government encourages and facilitates persons with disabilities to integrate into the community. Public transport operators are engaged to enhance their facilities whenever possible to improve accessibility, with views sought from persons with disabilities. As at August 2020, there were around 1 330 wheelchair-accessible taxis, all Mass Transit Railway stations were equipped with at least one barrier-free access, and approximately 99% of franchised buses were wheelchair accessible.

39. The Transport Department continuously promotes the concept of “Transport for All” through public education and publicity programmes, and regularly reviews relevant planning

standards to provide public transport operators with clear directions for the planning and implementation of accessible public transport services.

40. The Civil Aviation Department issued a guidance booklet in 2015 for airline operators in HKSAR on the facilitation of persons with reduced mobility in air travel. The Hong Kong International Airport provides accessible services and facilities for persons with disabilities and takes measures to ensure that persons with disabilities are treated on an equal basis with others in using airport services and facilities.

41. As mentioned in the replies to paragraph 7 above, for promoting the spirit and core values of the Convention, the HKSAR Government has increased the annual funding for implementing diversified public education and publicity activities/programmes, covering the promotion of the disability inclusive culture, and accessibility of environment, transport and services.

Replies to paragraph 8 (c) of the list of issues

42. The HKSAR Government actively promotes web/mobile app accessibility to facilitate persons with disabilities to access online information and services. Through co-organising a recognition scheme with a local public organisation, enterprises and public/private organisations are encouraged and incentivised to adopt web/mobile app accessibility designs more widely. Free assessment and advisory services are also provided to participating organisations to facilitate their understanding and fulfilment of the technical requirements.

43. Government B/Ds' homepages and/or mobile apps provide information on legislation, policy initiatives, details of services, public consultation exercises, public announcements, etc. for public consumption. All government websites comply with Level AA standard of the Web Content Accessibility Guidelines Version 2.0 or 2.1 promulgated by the World Wide Web Consortium. All government mobile apps incorporate accessibility features. Compliance audit is regularly conducted on the accessibility of government websites and mobile apps.

44. The HKSAR Government promotes a wider use of sign language and easy-to-read version. Specifically, the Information Services Department provides live signal/embedded live signal with sign language interpretation to television stations on-site for important Government press conferences/briefings. Free television news programmes with sign language interpretation are broadcast daily. For easy-to-read version, RAC has set up a working group to formulate a production guide for reference by Government B/Ds, NGOs, public organisations, etc. for producing easy-to-read versions of documents.

Replies to paragraph 8 (d) of the list of issues

45. Government B/Ds will continue to monitor progress with respect to accessibility as identified in the Convention, particularly the measures/initiatives as mentioned above, by mutual collaboration as well as consultation with advisory bodies, public bodies and NGOs concerned.

Right to life (art. 10)

Replies to paragraph 9 (a) of the list of issues

46. Persons with disabilities and family members may go through advance care planning with their healthcare teams to express preference for future medical or personal care.

Replies to paragraph 9 (b) of the list of issues

47. The multi-disciplinary teams of the specialist psychiatric services of the Hospital Authority (HA) comprising healthcare professionals in various disciplines (involving doctors, nurses, clinical psychologists, occupational therapists, medical social workers, etc.) provide comprehensive and integrated medical services, including in-patient, specialist out-patient, day rehabilitation training and community support services, to psychiatric patients (including

persons with disabilities and persons with post-traumatic stress disorder) having regard to the severity of their conditions and clinical needs.

48. In line with the international trend to gradually focus more on community and ambulatory services in the treatment of mental illness, HA has introduced various measures to enhance community support for psychiatric patients with a view to facilitating their recovery and re-integration into the community.

49. HA has launched the Case Management Programme since 2010-11 by phases to provide intensive, continuous and personalised support for patients with severe mental illness. Under the Programme, case managers will also work closely with various service providers, particularly Integrated Community Centres for Mental Wellness (ICCMWs) subvented by SWD, in providing coordinated support to patients in the community. By 2014-15, the Programme had been extended to cover all the 18 districts in HKSAR;

50. To further enhance the service, HA has introduced peer support into the Programme to enhance community support for patients by phases since 2015-16. Peer support workers as previous service users doing well in their recovery are recruited to support patients in achieving their personal recovery goals and developing illness management skills; and

51. HA has introduced a 24-hour mental health advisory hotline, namely HA Mental Health Direct, since 2012 to further enhance mental health services and support to patients, their carers and the general public. The advisory hotline is operated by psychiatric nurses to provide professional advice for patients, their carers, stakeholders and the general public on mental health related issues.

52. SWD provides subvention to NGOs for setting up ICCMWs to provide one-stop and district-based support services ranging from prevention to crisis management for persons in recovery and persons with suspected mental health problems; their families/carers; and residents living in the district concerned. To facilitate social rehabilitation and strengthen clinical support and multi-professional intervention for ICCMW service users, additional resources for Agency-based Peer Support Service in Community Psychiatric Service Units and Agency-based Clinical Psychological Service for ICCMWs have been provided from 2018.

Replies to paragraph 9 (c) of the list of issues

53. The HKSAR Government is committed to providing quality and holistic end-of-life care, which covers persons with disabilities and families, to meet their preferences and needs. The HKSAR Government will examine the feasibility of facilitating dying in place in residential care homes for persons with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

Replies to paragraph 10 of the list of issues

54. To address the mental health needs of persons (including persons with disabilities) affected by the COVID-19 pandemic, the Department of Health (DH) has launched a one-stop mental health website named “Shall We Talk” which includes the “Mental Health Infostation”⁶ and the featured topic on “COVID-19 and Mental Health”⁷ to provide mental health related information and advice on coping with mental distress, as well as links to related websites to facilitate those in need to seek help.

55. During the COVID-19 pandemic, HA has provided readily accessible information in regard to COVID-19 to the public (including persons with disabilities). The information ranges from preventive measures (e.g. hand-washing steps and proper ways of wearing masks, signs and symptoms of COVID-19) to the corresponding treatment plans. Such important information is presented in the form of posters and videos (with audio and subtitles) and publicised in public hospitals/clinics as well as on HA’s website for public reference. The

⁶ <https://shallwetalk.hk/en/resources/general-public/>.

⁷ <https://shallwetalk.hk/en/news/covid-19-and-mental-health/>.

webpages concerned adopt web accessibility design and comply with the Level AA standard of the Web Content Accessibility Guidelines Version 2.0 promulgated by the World Wide Web Consortium.

56. In addition, persons with disabilities who fulfill the criteria for COVID-19 testing are given information about specimen collection and infection control advice. If suspected or confirmed to be infected by COVID-19, they have equal access to HA's healthcare services including admission to public hospitals and treatment facilities for isolation, treatment and follow-up medical consultations. If identified as close contacts of confirmed cases of COVID-19, they will be admitted to the barrier-free units in quarantine centres and have equal access to onsite medical support.

57. As regards rehabilitation services, despite the COVID-19 pandemic, essential services (e.g. escort, nursing and administration of medicine and personal care service) have continued to be provided under the home care services for persons with disabilities in the community. For service users with other special or urgent needs, the service teams will assess users' circumstances and needs and provide appropriate support. For centre-based services not open to the public during the pandemic, they are still provided on an individual basis having regard to the circumstances and needs of service users. These services have been resumed gradually as soon as the pandemic situation has become relatively stabilised.

Equal recognition before the law (art. 12)

Replies to paragraph 11 of the list of issues

58. The HKSAR Government respects the views of persons with intellectual or psychosocial disabilities and their rights to make their own decisions. Specifically, section 59S(3)(b) of the Mental Health Ordinance (Cap. 136) clearly stipulates that in the performance of any functions under the Ordinance, a guardian shall ensure, among others, that the views and wishes of the "mentally incapacitated person" (MIP) as defined in the Ordinance are, in so far as they may be ascertained, respected.

59. As reported in paragraph 48 of the Combined 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 others. At the constitutional level, Article 25 of the Basic Law provides that all HKSAR residents are equal before the law. At the domestic legislation level, Articles 10 and 13 of HKBOR 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.

Access to justice (art. 13)

Replies to paragraph 12 (a) of the list of issues

60. Under section 79B of the Criminal Procedure Ordinance (Cap. 221), a MIP may give evidence in court via live television link in specific cases. Under section 79C of the Ordinance, a video recorded interview with a MIP may be tendered in court as his/her evidence-in-chief in specific cases. In addition, the court may provide a number of other protective measures to vulnerable witnesses in criminal proceedings, including the provision of protective screen, special passage and support person when these witnesses give evidence in court.

61. Persons with disabilities are also well protected under the civil justice system as they must sue or defend by next friend or guardian ad litem under the Rules of High Court (Cap. 4A) and Rules of District Court (Cap. 336H). If there is no such third party, an Official Solicitor will be appointed by the court. This mechanism is to ensure that no one in legal proceedings can take advantage of persons with intellectual or psychosocial disabilities.

62. In practice, when interviewing a suspected/known MIP, irrespective of whether he/she is suspected to have committed a crime, the Hong Kong Police Force (the Police) will arrange an appropriate adult as far as possible to facilitate communication with and help the MIP to

understand his/her rights. If being detained, he/she will be entitled to the rights set out in the “Notice to Persons in Police Custody or Involved in Police Enquiries” which will be issued and explained to the appropriate adult.

63. To alleviate the potential stress and harm on vulnerable witnesses during criminal proceedings, the Police will take statements by way of video-recorded interviews and seek assistance from clinical psychologists where necessary. As mentioned above, such video recordings may be used as evidence-in-chief in criminal proceedings. A support person would be provided to accompany witnesses concerned during court proceedings.

64. The Customs and Excise Department (C&ED) has put in place guidelines for frontline officers handling persons with disabilities in detention to ensure that persons with disabilities’ rights are protected.

65. The Immigration Department (ImmD) recognises the rights of persons with disabilities and ensures their access to justice on an equal basis with others. ImmD has guidelines and internal procedures in place on the proper handling of persons with disabilities.

Replies to paragraph 12 (b) of the list of issues

66. At the constitutional level, equality before the law is guaranteed by Article 25 of the Basic Law. At the domestic legislation level, such rights are guaranteed by Article 10 of HKBOR. Prosecutors are required by the Prosecution Code to be aware of, and to respect and give effect to fundamental rights under the Basic Law and HKBOR. In respect of domestic violence cases, the Department of Justice has published “the Policy for Prosecuting Cases involving Domestic Violence”, which guides prosecutors to make prosecutorial decisions in domestic violence cases (including those involving women with disabilities). This ensures consistency and impartiality in such decisions.

67. The Police endeavours to reduce the pressure on victims of sexual violence (including women with disabilities) during case investigation. They are interviewed by a police officer of the same gender. With the victims’ consent, immediate referral is made to SWD and NGOs concerned for suitable support services. As mentioned above, the court allows the prosecution to give consideration to the use of a protective screen to shield the victims from the public gallery and/or the accused while testifying in court. If a victim is to give evidence in proceedings involving specified sexual offences, the court may permit the victim to give evidence by way of a live television link. A support person would also be provided to accompany the victim during court proceedings.

Replies to paragraph 12 (c) of the list of issues

68. Prosecutors are well-trained in topics which touch upon the rights of persons with disabilities, particularly those with intellectual or psychosocial disabilities, be they defendants, victims or vulnerable witnesses. Seminars given by speakers (e.g. psychiatrists, clinical psychologists and representatives from NGOs) have been offered to prosecutors as part of their continued professional development. Topics of these training programmes include defences involving mental illnesses, handling and questioning of MIPs in criminal proceedings, understanding the nature of characteristics of MIPs, etc.

69. The Police has covered the topics of “Victims Charter” and “Equal Opportunities” in new recruits’ foundation training and serving officers’ training programmes as appropriate. All police officers are provided the opportunities to equip themselves with the necessary knowledge of how to safeguard the rights of persons regardless of their gender, disabilities, family status and ethnicities. There is also training on handling arrested persons with disabilities, communication with necessary assistance, etc.

70. ImmD provides training to new recruits on developing professional sensitivity in handling persons with disabilities and on the rights of persons with disabilities. ImmD also liaises with relevant organisations regularly to provide training for different ranks of serving officers.

71. C&ED’s new recruits and serving officers receive training on the departmental procedures for handling persons with disabilities in detention and on the rights of persons with disabilities.

Liberty and security of the person (art. 14)

Replies to paragraph 13 (a) of the list of issues

72. The Food and Health Bureau (FHB) will give due regard to the provisions in the Mental Health Ordinance (Cap. 136) to ensure that the legislation is in compliance with the principles of the Convention.

Replies to paragraph 13 (b) of the list of issues

73. There are sufficient safeguards to ensure that persons with disabilities can undergo due process and have the right to fair trial, which are guaranteed under the Basic Law at the constitutional level. At the domestic legislation level, such rights are protected by HKBOR. Under section 76 of the Criminal Procedure Ordinance (Cap. 221) and section 45 of the Mental Health Ordinance (Cap. 136), a hospital order may be made against an accused person who has a mental disability (including a person acquitted on grounds of insanity or unfit to plead) when specific conditions are satisfied. Under section 74(1) of the Criminal Procedure Ordinance, a person would be acquitted on grounds of insanity if the jury finds that he/she “did the act or made the omission” charged but was insane at the relevant time. Under section 75A(1)(b) of the Criminal Procedure Ordinance, for a person who is found unfit to plead, the jury must determine whether the accused “did the act or made the omission” as being charged with an offence. In both situations, it is necessary to prove the accused “did the act or made the omission” and the burden is on the prosecution to prove it beyond reasonable doubt. Similarly, a person with mental disability must be proved by the prosecution beyond reasonable doubt to be guilty of an offence, or did the act or made the omission charged, in order to be made the subject of a hospital order under section 45 of the Mental Health Ordinance. Hospital orders can only be made when there is sufficient evidence before the court to prove that the relevant statutory conditions are met. The accused person is involved in such proceedings and may challenge the evidence. He/She has the right to appeal against the ruling. While the court may issue a hospital order without a specified period, such an order will be reviewed annually by a panel of psychiatrists (the Mental Health Review Tribunal) for considering whether the patient may be safely released back to the community, and ensuring that the patient is not detained for a period longer than is absolutely necessary.

Replies to paragraph 13 (c) of the list of issues

74. From April 2015, the number of Mental Health Review Tribunal members has been increased from 30 to 45 to ensure a broader member composition. They are experienced psychiatrists, social workers from NGOs and renowned persons from the local society such as lawyers and professors from the universities. Furthermore, from July 2018, a well experienced solicitor in private practice has been appointed as the Tribunal chairman who has adopted a number of measures for protecting patients’ human rights (e.g. providing a more detailed notice of decision stating the facts and justifications of the Tribunal’s decision). The chairman also advises patients and their families, at the beginning of hearings, on the purposes of the hearings and their rights to ask questions, seek representations, etc.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

Replies to paragraph 14 of the list of issues

75. The right to be free from torture or cruel, inhuman or degrading treatment or punishment is protected under Article 3 of HKBOR.

76. The Police attaches importance to protecting the privacy and rights of detained persons (including persons with disabilities). All detained persons are entitled to the same rights, including the rights to seek legal assistance, communicate with a relative or friend, seek medical attention, etc., as stated in the “Notice to Persons in Police Custody or Involved in Police Enquiries” issued to every detained person.

77. The Police acknowledges that detained persons with disabilities may have special needs and has put in place clear guidelines and established procedures for handling them. Before conducting custody search, the Police will ask a detained person with disabilities if the presence of an appropriate adult is required. For a detained MIP, the Police will make all reasonable efforts to inform an appropriate adult to come to the police station to provide appropriate support to the detained person.

78. Detention of persons (including persons with disabilities) in immigration custody is governed by the Immigration (Treatment of Detainees) Order (Cap. 115E) and the Immigration Service (Treatment of Detained Persons) Order (Cap. 331C). Rules 1B and 6A of Schedule 1 to the Immigration (Treatment of Detainees) Order, and sections 4 and 12 of the Immigration Service (Treatment of Detained Persons) Order provide for detainees' access to legal assistance and medical care. Detainees are duly informed of their rights through bilingual notices issued to them (which are translated into detainees' native languages as far as possible) and posters displayed at ImmD offices and all control points. ImmD has also put in place internal procedures on attending to detainees' special needs.

79. The Correctional Services Department (CSD) is committed to providing secure, safe, humane, decent and healthy environment for persons in custody (including persons with disabilities). Detention of persons under CSD custody is governed by the Prison Rules (Cap. 234A), and there are provisions to ensure that detained persons have access to legal advisors and medical care. CSD also provides necessary and appropriate medical care services to all persons in custody. For newly admitted persons in custody, residential Medical Officers from the Department of Health and correctional staff with nursing qualifications provide medical examination, necessary and appropriate basic medical care, or refer cases to public hospitals for further treatment.

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

Replies to paragraph 15 (a) of the list of issues

80. As reported in paragraph 57 of the Combined Report, the Domestic and Cohabitation Relationships Violence Ordinance (Cap. 189) and the Protection of Children and Juveniles Ordinance (Cap. 213) provide protection for women and children, including women and girls with disabilities.

81. The Sex Discrimination Ordinance (Cap. 480) prohibits sexual harassment in prescribed areas including employment, education, provision of goods, facilities or services, disposal of premises, etc., and equally protects women and girls with disabilities. Recent legislative amendments have also broadened the scope of the Sex Discrimination Ordinance to protect from sexual harassment persons working in a common workplace and members or applicants for membership of a club.

82. Under the principle of "One Curriculum Framework for All", EDB promotes sex education in different kinds of schools through a holistic school curriculum to foster an understanding of sex-related issues. To address the developmental needs of students with SEN (including girls) and enhance their self-protection awareness, sex education elements (e.g. self-protection, getting along with the opposite gender, marriage and family, birth control and giving birth, and help seeking) are included in the curricula for different key stages of learning and subjects (e.g. General Studies, Liberal Studies/Independent Living, Health Management and Social Care).

83. To raise the awareness of teachers and school social workers of protecting students (including girls with disabilities) from discrimination, unfair treatment, sexual assault or harassment, EDB, the Police and SWD work in collaboration to strengthen the training on early identification, intervention and support of student victims. Moreover, to safeguard students' well-being, schools should request their prospective employees (including teaching and non-teaching staff) to undergo the Sexual Conviction Record Check Scheme at the advanced stage of the employment process for verifying the sexual conviction records declared by the prospective employees.

84. Apart from investigations and prosecutions, the Police launches public education and publicity programmes to enhance awareness of self-protection from sexual violence. The Police also works closely with other Government departments and NGOs to develop collaborative solutions to strengthen the protection and support services to victims of sexual violence (including women and girls with disabilities) through a multi-agency approach.

Replies to paragraph 15 (b) of the list of issues

85. To equip frontline officers with the knowledge and skills to handle domestic violence, sexual violence, child abuse and other violent cases (including those involving women and girls with disabilities) and enhance their professional sensitivity in handling these cases, the Police has included relevant topics in different training courses covering information on the needs of different genders, age groups and sexual orientations.

86. The Police also provides training specifically relating to protection of women and juveniles, handling vulnerable persons including persons with disabilities, in new recruits' foundation training and serving officers' training programmes as appropriate.

87. ImmD provides training to new recruits on developing professional sensitivity in handling persons with disabilities, including how to respond to violence against women and girls with disabilities. ImmD has also promulgated internal guidelines and instructions to serving officers on handling persons with disabilities.

88. CSD also provides training to new recruits and serving officers on handling persons with disabilities in custody. Relevant internal guidelines have been promulgated.

Replies to paragraph 15 (c) of the list of issues

89. As reported in paragraph 56 to 62 of the Combined Report, the HKSAR Government protects persons with disabilities from all forms of exploitation, violence and abuse through legislative, administrative, social and educational measures. These measures are reviewed from time to time for identifying possible enhancements.

90. As mentioned in the replies to paragraph 2 above, RAC is the HKSAR Government's major advisory body on policies and measures for persons with disabilities, comprising members from sectors concerned including persons with disabilities, their organisations and NGOs providing rehabilitation services for persons with disabilities. RAC is underpinned by three sub-committees to advise on accessibility issues, employment support measures for persons with disabilities, and public education on the core values of the Convention respectively, the membership of which similarly covers persons with disabilities, their organisations and NGOs providing rehabilitation services for persons with disabilities. This institutional setup of RAC serves to ensure that facilities and programmes catering for the needs of persons with disabilities are effectively monitored.

Protecting the integrity of the person (art. 17)

Replies to paragraph 16 of the list of issues

91. HA adopts a multi-disciplinary approach in providing services to patients with Gender Identity Disorder (GID) and intersex persons (including those with disabilities), with a team comprising psychiatrists, clinical psychologists, surgeons, gynaecologists, physicians, endocrinologists, occupational therapists and medical social workers to assess the degree of severity and provide appropriate services according to patients' specific conditions, including psychotherapy, hormonal treatment and surgery.

92. If ambiguous genitalia is found on a baby upon birth, the multi-disciplinary team will discuss with the baby's parents and assess the gender and sexual function which the baby may develop in the future. Treatment decision will be made in the baby's best interests with the parents' consent. The factors to be taken into consideration include diagnostic results, masculinisation of external genitalia secondary to prenatal androgen exposure, replies to exogenous androgen stimulation and sexual function and fertility potential in the process of sex assignment. Although early surgical treatment for timely gender determination will likely

reduce the risks of surgery and possible discrimination by peers and the broader society, the treatment is determined on a case-by-case basis and is not mandatory unless serious or life-threatening medical complications are found to have arisen from ambiguous genitalia and that necessary treatment is required in the best interests of the minors. Surgical intervention for intersex children is not compulsory.

93. For GID patients, psychiatrists establish the diagnosis and provide treatment, while clinical psychologists make psychological assessment and provide counselling. Taking into consideration patients' needs, psychiatrists may make referral to endocrinologists for prescribing sex hormones, to occupational therapists for practical advice to adjust to real life experience in the patients' desired gender, and to medical social workers for providing social support. Patients having undergone at least 12 continuous months of hormonal treatment and lived in their acquired gender persistently for at least 12 months with satisfactory psychological and social adjustment as assessed by psychiatrists and clinical psychologists can be referred to surgeons for sex reassignment surgery upon patients' requests. Upon referral, surgeons will further assess patients' needs for surgery and provide relevant services, including sex reassignment surgery, accordingly. The same service model is adopted with respect to transgender persons with disabilities.

Living independently and being included in the community (art. 19)

Replies to paragraph 17 (a), (b), (c), (d) and (e) of the list of issues

94. As reported in paragraph 65 of the Combined Report, the HKSAR Government fully recognises the right of persons with disabilities to live independently and to participate fully in the community, and is committed to providing support services to persons with disabilities to facilitate their continued living in the community. Residential care services are provided for those persons with disabilities who cannot live independently and those who cannot be adequately taken care of by their families. Admission to residential care services is subject to assessment and is voluntary.

95. SWD provides subvention to NGOs for operating various community care and support services to assist persons with disabilities in maximising the development of their physical, intellectual and social capabilities, thereby facilitating their integration into the community; and to strengthen carers' caring capability and relieve their burden, with a view to enhancing the quality of life of persons with disabilities and their carers. These community care and support services are provided by District Support Centres for Persons with Disabilities (DSCs), Home Care Service for Persons with Severe Disabilities, Integrated Support Service for Persons with Severe Physical Disabilities, Transitional Care and Support Centre for Tetraplegic Patients, ICCMWs, Support Centres for Persons with Autism (SPAs), Multi-service Centres for Hearing Impaired Persons, Rehabilitation and Training Centres for Visually Impaired Persons, Social and Recreational Centres for the Disabled (S&RCs), Parents/Relatives Resource Centres (PRCs), Community Rehabilitation Network, and day and residential respite services, catering to the respective needs of persons with different disabilities and their carers.

96. As mentioned in the replies to paragraph 1 above, RPP has been newly publicised in July 2020. RPP has recommended that the capacity of existing community support services and home-based support services be continuously enhanced. In this respect, the HKSAR Government has been progressively launching the following measures:

- From 2020-21 to 2021-22, the number of DSCs will be increased from 16 to 21 with strengthened rehabilitation training and services;
- In 2019-20, the number of SPAs has been increased from three to five with enhanced manpower for existing SPAs;
- In 2018-19, the number of PRCs has been increased from six to 12, and to 19 in 2019-20, with specialised units for ethnic minorities set up in five PRCs;
- From 2020-21, additional manpower resources have been provided to S&RCs; and

- An additional 1 800 persons with disabilities living in the community are provided with home care services.

97. RPP has also recommended launching new services and integrating existing ones with a view to providing a coherent continuum of community support services for persons with different levels of care needs, including setting up new rehabilitation service centres for persons with severe disabilities having intensive care needs and living at home, by integrating the services of day care centres and home care services in a flexible manner, and providing appropriate support for persons with severe disabilities based on the changes in service needs at different stages during their lifespan; and exploring applying the ICF framework in devising a structure comprising rehabilitation objectives, intervention, assessment and evaluation to facilitate data and experience sharing among rehabilitation organisations. In the long term, a three-tier community support service model would be adopted to provide services for persons with intensive, moderate and mild care needs respectively.

98. Regarding public housing, “Compassionate Rehousing” to PRH is available to persons with disabilities, upon assessment by social workers or approved persons (e.g. caseworkers of NGOs concerned) and SWD’s recommendation. Subject to availability, suitable PRH flats will be allocated to persons with disabilities catering to their needs (e.g. flats on the lift-landing floors in estates with barrier-free facilities, and flats with extra space). In addition, while PRH tenants are generally required under the current policies to move to other PRH flats or vacate their existing PRH flats if they no longer meet the relevant criteria (e.g. exceeding the limits of family income and assets; under-occupation households), those households having members with disabilities are exempted from the requirement to move.

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

Replies to paragraph 18 (a) and (b) of the list of issues

99. The HKSAR Government attaches importance to promoting sign language and training sign language interpreters. As reported in paragraph 79 of the Combined Report, 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. 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 public reference. The number of sign language interpreters on this List has increased by around 20% as at May 2020.

100. A common sign language for use by different groups of persons with hearing impairment needs to be developed in HKSAR. The priority at the present stage is to build up a uniform sign language glossary of commonly used terms. In this regard, RPP has recommended exploring the development of “Hong Kong Sign Language” for use in public broadcasting (including news reporting programmes and Government’s Announcements in the Public Interest) and official occasions, publishing a glossary for “Hong Kong Sign Language”, while at the same time preserving the usual sets of sign language used by different groups/sectors for communication in individual social occasions. To implement this recommendation, RAC has set up a task force to advise on the implementation schedule and related strategic development directions and supporting measures in developing “Hong Kong Sign Language”. The HKSAR Government will take into consideration the task force’s advice in respect of promoting and developing sign language.

Respect for home and the family (art. 23)

Replies to paragraph 19 (a) of the list of issues

101. At the constitutional level, Article 37 of the Basic Law protects HKSAR residents’ (including persons with disabilities’) freedom of marriage and their right to raise a family freely. At the domestic legislation level, Article 19 of HKBOR provides, inter alia, that the right of men and women (including persons with disabilities) of marriageable age to marry

and to found a family shall be recognised. Marriages in HKSAR are governed by the Marriage Ordinance (Cap. 181) and the Matrimonial Causes Ordinance (Cap. 179), under which any persons (including persons with disabilities) are allowed to marry if the legal requirements are met.

Replies to paragraph 19 (b) of the list of issues

102. The reproductive technology centres are required to follow Chapter V of the Code of Practice on Reproductive Technology and Embryo Research to provide information on their reproductive technology services to all clients and donors (including persons with disabilities).

Replies to paragraph 19 (c) and (d) of the list of issues

103. A spectrum of support mechanisms for children with disabilities and their parents is in place, including day and residential child care services and foster care service to support the parents to take care of the children in times of adversities. SWD actively promotes continuing parental responsibility towards children (including children with disabilities), and has provided subvention for NGOs to set up Specialised Co-parenting Support Centres to render one-stop co-parenting support services to separated/divorced/divorcing parents and their children, including co-parenting counselling, parenting coordination service and children contact service, structured co-parenting groups or programmes. These mechanisms, services and measures cater for all children regardless of the disability of the child or of one or both of the parents.

Education (art. 24)

Replies to paragraph 20 (a), (b), (c) and (d) of the list of issues

104. The HKSAR Government is committed to providing quality education for all students, irrespective of their disabilities, age, gender and ethnicities. They have equal opportunities to receiving education. In public sector ordinary schools and special schools, all students with SEN or disabilities (including students with hearing impairment) enjoy free primary and secondary education as other children, and they are provided with support services as necessary. In the 2019/20 school year, there are about 53 000 students with SEN studying in public sector ordinary schools, accounting for 9.5% of the total number of students enrolled in those schools. Besides, there are about 8 200 students studying in the public sector special schools. There are also 52 mainstream international schools, with many providing integrated services and support to students with SEN. According to the schools' information, there are a total of some 1 700 students with SEN.

105. The Hong Kong Examinations and Assessment Authority (HKEAA) is the statutory body responsible for conducting public examinations, including the Hong Kong Diploma of Secondary Education Examination (HKDSE) for measuring the academic attainment of students completing secondary education for post-secondary education admission and career purposes. HKEAA is committed to ensuring that all candidates (including persons with disabilities) are assessed in a fair and impartial manner, and pledges to accommodate candidates' needs. Special HKDSE examination arrangements (SEAs) are provided for students with SEN to have equal opportunities in demonstrating their learning outcomes, including extended examination time, exemption from part of an examination, providing text labels/descriptions for cartoons or complicated pictures to prevent candidates with SEN from focusing attention only on minor details, and allowing candidates diagnosed with dyslexia and severe difficulties in handwriting to use speech-to-text software in the examinations on certain subjects. Applications for SEAs are considered by the relevant HKEAA Committee/Task Group, comprising representatives from the Government, special schools, secondary schools, tertiary institutions, parent associations, and relevant field experts.

106. Committed to providing equal learning opportunities to all students (including persons with disabilities), the Vocational Training Council (VTC, the largest statutory vocational and professional education and training provider in HKSAR) considers all applications for admission on an equal basis. Advice and assistance will be provided to students with SEN at

an early stage. A dedicated webpage has also been set up to provide information on programmes, application for admission and support services for students with SEN. In the 2019/20 academic year, there are 2 082 students with SEN studying in VTC, accounting for 5% of the total number of students in the mainstream programmes.

107. VTC adopts a holistic approach in supporting students with SEN, including teaching support such as remedial classes, tutorial groups, individual coaching, technical aids, and adaptation of equipment. Module exemption and special assessment arrangements are also considered on a case-by-case basis. Student counsellors provide counselling services to students with SEN and refer them to outsourced specialised services as necessary, including those provided by clinical psychologists, educational psychologists and speech therapists. Different types of inclusive programmes are organised for students in a bid to cultivate a fair learning environment where diversity and differences are equally respected and valued.

108. VTC also provides various teaching aids, equipment and facilities for students with SEN's barrier-free learning. From the 2019/20 academic year, an annual funding of HK\$21.6 million is provided to VTC for enhancing support for students with SEN enrolling in vocational and professional education and training programmes.

109. Further to offering a HK\$20 million special grant in 2015, the University Grants Committee (UGC, which advises the HKSAR Government on the funding and strategic development of higher education in HKSAR) has offered another HK\$20 million in 2018 as a two-year special grant for the eight UGC-funded universities to facilitate students with SEN to pursue UGC-funded programmes and adapt to campus life, and to provide enhanced support to students with SEN (e.g. purchasing aids and equipment, strengthening training for academic and administrative staff, and supporting student bodies in organising events and activities that encourage integration of students with SEN into campus life) for further promoting an inclusive culture.

Health (art. 25)

Replies to paragraph 21 (a) of the list of issues

110. HA has been enhancing the assisted reproductive technology services in public hospitals to meet the strong service demand. To build up the service capacity of In Vitro Fertilization (IVF), a public hospital has provided an additional 100 IVF cycles from 2016-17. Furthermore, nurse infertility triage services have been set up in three public hospitals to shorten the waiting time for infertility clinic referral in the HA Annual Plan 2017-18.

111. Assessment of clients is conducted irrespective of their disabilities. Under the code of practice issued by the Council on Human Reproductive Technology in Hong Kong, clients' suitability for assisted reproductive technology procedures (like IVF) will be assessed with the child's welfare taken as of paramount importance. The assessment takes into account clients' physical, mental and social well-being, including their medical histories and their likely future ability to look after or provide for a child's needs.

Replies to paragraph 21 (b) of the list of issues

112. Implemented since April 2019, the Voluntary Health Insurance Scheme (VHIS) is a policy initiative implemented by FHB to regulate individual indemnity hospital insurance products and improve market transparency, providing consumers (including persons with disabilities, irrespective of their place of residence) with greater confidence in purchasing health insurance and using private healthcare services when in need, thereby alleviating pressure on public hospital services in the long run. Participation in VHIS is voluntary for both insurers and consumers. Compared with existing hospital insurance plans, VHIS encompasses many standardised features to enhance consumer protection, including:

(a) guaranteed renewal up to the age of 100 and no lifetime benefit limit - the combination of these two features can provide continuous and lifelong protection to the insured persons. Besides, all the basic benefits must be on a per policy year basis so that the benefit amount will be counted afresh after annual policy renewal. Chronic disease patients

more prone to frequent incidents of claims on average can benefit particularly from these features;

(b) coverage of prescribed diagnostic imaging tests and prescribed non-surgical cancer treatment;

(c) coverage of treatment for congenital conditions diagnosed on or after the age of eight; and

(d) coverage of psychiatric inpatient treatment at local hospitals.

Replies to paragraph 21 (c) of the list of issues

113. For HA, patients' consent for operation/procedure/treatment is part of the quality care and a legal requirement. Patients giving consent will be provided with sufficient information on the nature, effect, risks, possible complications of the proposed treatment and alternative options. For MIPs and unconscious patients unable to give consent, HA's doctors will provide treatment based on patients' best interests.

Habilitation and rehabilitation (art. 26)

Replies to paragraph 22 (a) of the list of issues

114. Please refer to the replies to paragraph 17 above.

Replies to paragraph 22 (b) of the list of issues

115. The Commissioner for Rehabilitation of the Labour and Welfare Bureau oversees the overall policies and programmes on rehabilitation and welfare matters for persons with disabilities, and coordinates the development and provision of rehabilitation services under the policy areas and initiatives of Government B/Ds concerned as covered by RPP. Effective service implementation involves the concerted efforts of Government B/Ds, public organisations, NGOs and self-help organisations concerned, which in turn depends on the design of the coordination mechanism.

116. Under the established coordination mechanism, the Commissioner for Rehabilitation is a member of RAC, and senior officers of Government B/Ds and public organisations concerned are also represented on RAC. As mentioned in the Replies to paragraph 2 above, 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 RAC chairperson and members (including persons with disabilities, their organisations and NGOs providing rehabilitation services for persons with disabilities) are appointed by the Chief Executive. RAC meets regularly to discuss public services for persons with disabilities, including the setting of priorities of welfare and rehabilitation services affecting persons of disabilities as well as matters that may straddle across the policy purviews of Government B/Ds. The HKSAR Government will take into account RAC's advice in preparing the annual Policy Address and Budget. This coordination mechanism facilitates and ensures Government B/Ds' effective implementation of rehabilitation services for persons with disabilities.

Work and employment (art. 27)

Replies to paragraph 23 (a) of the list of issues

117. Job seekers with disabilities (including those with intellectual or psychosocial disabilities) are provided with employment counselling, job matching and referral services as well as post-placement follow-up services, for assisting them in finding suitable jobs in the open market. Financial incentives are provided to encourage employers to hire persons with disabilities. The maximum amount of allowance for employing each person with disabilities (as increased to HK\$51,000 since September 2018) has been further increased to HK\$60,000 from September 2020. Publicity campaigns are launched to promote an inclusive work environment. Psychological and emotional counselling services are provided to needy

job seekers with disabilities for helping them concentrate on job search and settle in their new jobs.

Replies to paragraph 23 (b) of the list of issues

118. All existing employment support measures are available to all persons with disabilities (including those with intellectual or psychosocial disabilities and irrespective of their gender).

Replies to paragraph 23 (c) of the list of issues

119. The HKSAR Government is committed to implementing measures to facilitate the employment of persons with disabilities to the civil service and offer of preferential treatment to candidates with disabilities applying for government jobs. For serving officers with disabilities in the civil service, financial assistance is provided for purchasing the necessary technical aids to facilitate their performance of duties at the workplace. Government B/Ds also make necessary adjustments to office accommodation and the work assigned to officers with disabilities, taking account of the nature and degree of their disabilities.

120. For the private sector, SWD implements the “Support Programme for Employees with Disabilities” (SPED) to facilitate the employment of persons with disabilities and enhance their work efficiency. Specifically, SPED provides employers with a one-off maximum subsidy of HK\$40,000 for each employee with disabilities to procure assistive devices and/or implement workplace modifications. As at May 2020, SPED had granted about HK\$3.64 million to the employers of 230 persons with disabilities.

121. RPP has recommended establishing disability friendly workplaces. The HKSAR Government will explore with EOC as to strengthening the promotion of the EOC guidelines on reasonable accommodation/adjustment to deepen employers’ understanding of the guidelines and enhance promoting reasonable accommodation at the workplace.

Replies to paragraph 23 (d) of the list of issues

122. SWD implements the “Enhancing Employment of People with Disabilities through Small Enterprise” Project to provide financial support for NGOs to establish small enterprises/businesses employing persons with disabilities. The number of persons with disabilities employed for each enterprise/business should be not less than 50% of the total number of persons on the payroll for the enterprise/business. As at May 2020, 35 NGOs had received total financial support of about HK\$131 million to operate 126 businesses expected to create about 1 300 jobs with some 910 for persons with disabilities. Existing labour protection covers persons with disabilities.

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

Replies to paragraph 24 (a) of the list of issues

123. Based on the official poverty line framework, the HKSAR Government published the “Hong Kong Poverty Situation Report on Disability 2013” in December 2014 to analyse the poverty situation of persons with disabilities. The next Report is expected to be released in 2021/2022 and data collection work has already commenced in the second half of 2019. The HKSAR Government will continue to provide resources for alleviating poverty and supporting the disadvantaged with a view to building a caring and inclusive society. Based on the principles of pro-child, pro-family, pro-work, respecting the choices of beneficiaries and embracing public health, the HKSAR Government will explore and formulate more appropriate policies and measures to better take care of the needs of various disadvantaged groups including persons with disabilities.

Replies to paragraph 24 (b) and (c) of the list of issues

124. The HKSAR Government implements a number of non-contributory and non-accountable social security schemes to meet the various needs of residents. As mentioned in the replies to paragraph 1 above, eligible persons with severe disabilities as assessed by medical doctors of public hospitals and clinics may apply for the non-means-tested DA (with

the current monthly normal rate at HK\$1,835 and higher rate at HK\$3,670 depending on the conditions of the applicants). Meanwhile, eligible persons with disabilities in financial difficulties may apply for the Comprehensive Social Security Assistance (CSSA) Scheme under which they may receive payments higher than those available to able-bodied persons, as well as a range of supplements and special grants to take care of their special needs arising from disabilities. The actual payments depend on an individual household's financial and other conditions. The current average CSSA monthly payment for singleton recipients with permanent disabilities is about HK\$6,600.

125. As the designs of different social security schemes (including those mentioned above and other types of allowances such as the Old Age Living Allowance for elderly persons with financial needs) have taken into account the special needs of the respective target beneficiaries, an eligible person may only choose to receive one type of payment. This arrangement is in line with the "no double benefits" rule for ensuring the sustainability of the social security system.

126. The HKSAR Government adjusts the social security payment rates according to the established mechanism to reflect price movements and maintain the purchasing power. For instance, DA has been increased by some 40% in the past decade.

Replies to paragraph 24 (d) of the list of issues

127. As mentioned in the replies to paragraph 17 above, the existing policy enables persons with imminent long-term housing needs (including persons with disabilities) to access PRH through "Compassionate Rehousing", upon assessment by social workers or approved persons (e.g. caseworkers of NGOs concerned) and SWD's recommendation. Subject to availability, suitable PRH flats will be allocated to persons with disabilities catering to their needs.

Participation in political and public life (art. 29)

Replies to paragraph 25 (a) and (b) of the list of issues

128. As reported in paragraph 124 of the Combined Report, the HKSAR Government has taken suitable legislative and administrative measures to encourage participation of persons with disabilities in the formulation of policies, particularly rehabilitation policies and initiatives. An example is the formulation of RPP as mentioned in the replies to paragraph 2 above.

129. At the constitutional level, Article 26 of the Basic Law provides that HKSAR permanent residents shall have the right to vote and the right to stand for election in accordance with the law. At the domestic legislation level, the Legislative Council Ordinance (Cap. 542) and the District Councils Ordinance (Cap. 547) ensure that HKSAR permanent residents, including persons with disabilities, have the right to vote and the right to stand for election in accordance with law. 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 is disqualified from being registered as an elector for a constituency if he/she is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity as defined in the Ordinance, of managing and administering his/her property and affairs. The Mental Health Ordinance stipulates that the court has to go through a series of stringent procedures before making an order as to whether the person is mentally incapacitated as defined in the Ordinance. This arrangement ensures that the votes cast at an election truly reflect the free will of an elector and to reduce the risk of a voter being subject to undue influence or manipulation, thereby protecting the fairness of the election.

130. Furthermore, the HKSAR Government endeavours to facilitate electors with special needs, including electors with intellectual differences, to vote in public elections and be posted of the relevant information. Multiple measures have been taken in previous elections to ensure that electors can exercise their right to vote. For instance, a pictorial voting aid explaining the voting procedures has been provided at all polling stations to assist electors in need to understand the voting procedures. This aid has also been uploaded onto the dedicated

website for electors' reference before the poll. Meanwhile, electors who are unable to cast their votes on their own can seek help from the Presiding Officers at the polling stations to mark the ballot paper on their behalf according to their voting choice. The whole process will be witnessed by a polling officer to ensure that the voting is conducted in a fair manner. All polling staff must sign a declaration of secrecy and comply with various requirements concerning voting secrecy. The existing arrangements are consistent with Article 29 of the Convention concerning the participation of persons with disabilities in political and public life.

Replies to paragraph 25 (c) of the list of issues

131. General information on notifiable and notified public events (including instructions on arriving at and leaving the events and specific conditions imposed in respect of the events) is available on the Police's website for access by members of the public (including persons with disabilities).

132. Prior to any public events, the Police will conduct a comprehensive threat assessment to identify any potential hazards which may cause harm to participants (including persons with disabilities). Identified hazards will be relayed to the organisers for protecting the safety of all participants. The organisers will be required to arrange for an appropriate number of marshals to maintain order during the events. The Police has the power to stop a public meeting or a public procession for protecting public order, public safety and the rights and freedoms of others. In such a situation, the Police will disseminate suitable advice and information to members of the public (including persons with disabilities) through various means.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

Replies to paragraph 26 of the list of issues

133. At the planning stage of the recent 2019-20 statistical survey on persons with disabilities, the HKSAR Government has proactively collected views from organisations of persons with disabilities in formulating the definition of disability, data topics and survey arrangements. These organisations have also been invited to participate in the pilot survey to evaluate the draft questionnaires and data collection procedures, and to share with interviewers on the appropriate skills and tips of communicating with persons with disabilities. During data collection of the survey, these organisations have assisted in contributing and disseminating promotional messages to publicise the survey. Post-survey consultation to be conducted in mid-2021 will collate these organisations' views concerning data analysis and dissemination.

International cooperation (art. 32)

Replies to paragraph 27 of the list of issues

134. The HKSAR Government actively participates in international events under the Basic Law. Persons with disabilities are invited to join the delegation of Hong Kong, the People's Republic of China as appropriate. In 2017, the then chairman of the RAC Sub-committee on Access, who is a person with disabilities, joined the delegation of Hong Kong, the People's Republic of China to attend the high-level intergovernmental meeting on the midpoint review of the Asian and Pacific Decade of Persons with Disabilities, 2013–2022, jointly organised by the United Nations Economic and Social Commission for Asia and the Pacific and the China Disabled Persons' Federation.

National implementation and monitoring (art. 33)

Replies to paragraph 28 of the list of issues

135. Please refer to the replies to paragraph 22(b) above.

Replies to paragraph 29 (a) of the list of issues

136. EOC is an independent statutory body with its powers, functions and autonomy in internal governance provided for and protected by the law. While the Paris Principles are not set out in an international convention, EOC largely follows the Paris Principles in terms of independence, autonomy, pluralism, powers of investigation, resources and powers to take legal action. EOC members include representatives with different expertise and from various sectors.

Replies to paragraph 29 (b) of the list of issues

137. Government B/Ds are fully aware of the need to observe the Convention obligations in formulating and implementing policies and measures in relation to persons with disabilities. Government B/Ds will allocate the necessary manpower, technical and financial resources for delivering their relevant policies and measures, ensuring equal opportunities and rights for persons with disabilities in compliance with the spirit and provisions of the Convention.

Replies to paragraph 30 of the list of issues

138. Please refer to the replies to paragraphs 2, 7, 8, 15, 18 and 22 above concerning the role and functions of RAC.

139. Since the application of the Convention to HKSAR in August 2008, the HKSAR Government has continuously increased the overall recurrent expenditure on rehabilitation services and support for persons with disabilities by about 150% from HK\$16.6 billion in 2007-08 to an estimate of HK\$41.2 billion in 2020-21.
