



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

List of issues in relation to the combined second and third periodic reports of Hong Kong, China*, **

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

1. Please inform the Committee about:

(a) The measures taken to align the State party's domestic legislation with the Convention, to ensure its direct enforceability and access to justice in cases of non-compliance with the Convention, and to give effect to the obligations enshrined in the Convention, the relevant recommendations in the Committee's previous concluding observations (CRPD/C/CHN/CO/1 and Corr.1) and the Committee's general comments;

(b) The current procedure and criteria for assessment of disability, and the progress made in implementing the recommendation in paragraph 54 of the Committee's previous concluding observations, and the recommendations issued by the interdepartmental working group that reviewed the eligibility criteria for the disability allowance scheme (CRPD/C/CHN-HKG/2-3, para. 7);

(c) The measures taken to harmonize the concept of disability in all legislation, ordinances and guidelines, including the Hong Kong Rehabilitation Programme Plan, the Disability Discrimination Ordinance and the Mental Health Ordinance, with the human rights model of disability enshrined in the Convention and elaborated on in the Committee's general comment No. 6 (2018) on equality and non-discrimination;

(d) The measures taken to abolish derogatory terminology in laws and policies, including in the Mental Health Ordinance, such as "mental handicap", "mental disorder" and "mental incapacity".

2. Please advise on:

(a) The measures taken to ensure the effective and meaningful participation of persons with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, in accordance with the Committee's general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, including by providing accessible information and support during consultations;

(b) The measures taken to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of the combined second and third periodic reports (CRPD/C/CHN-HKG/2-3), in the development of legislation and

* Adopted by the pre-sessional working group at its thirteenth session (30 March–3 April 2020).

** The present document forms part of the list of issues in relation to the State party report of China (CRPD/C/CHN/Q/2-3), which also includes the list of issues in relation to the report of Macao, China (CRPD/C/CHN-MAC/Q/2-3).



policies to implement the Convention, and in other decision-making processes that affect persons with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on:

(a) The measures taken to bring the Disability Discrimination Ordinance into line with the Convention, including any plans to reflect the proposals for amendment made by the Equal Opportunities Commission;

(b) The measures taken to prohibit discrimination on the basis of disability, including discrimination by association (for example, against parents of children with disabilities), and by private actors;

(c) The current status of the proposals to the Legislative Council on the strengthening of the mandate and role of the Equal Opportunities Commission with respect to complaints concerning equality and non-discrimination (*ibid.*, para. 12), and whether the reform to the Equal Opportunities Commission has provided for a mandate to protect persons with disabilities against disability-based discrimination, including remedies and redress;

(d) The measures taken to ensure the provision of reasonable accommodation in all areas of life, in accordance with the Convention and the definition therein, and to recognize the denial of reasonable accommodation, particularly of sign language interpretation, as a form of disability-based discrimination;

(e) The measures taken to combat multiple and intersectional forms of discrimination, to ensure *de facto* equality of persons with disabilities belonging to ethnic minorities, English-speaking persons with disabilities, persons with rare diseases, and lesbian, gay, bisexual, transgender and intersex persons with disabilities, and to ensure their access to effective remedies in case of discrimination.

Women with disabilities (art. 6)

4. Please provide information on:

(a) How current gender equality legislation and public policies include a disability perspective, and how the impact of legislation on the actual situation of women and girls with disabilities is monitored;

(b) How current disability legislation, policies and programmes mainstream gender equality, the rights of women with disabilities and the gender mainstreaming checklist (*ibid.*, para. 18) throughout Hong Kong Special Administrative Region;

(c) The human, technical and financial resources of the Women's Commission to promote gender equality and the rights of women and girls with disabilities, and mechanisms to involve organizations of women with disabilities in its mandate, including through consultations about policies and programmes affecting their lives;

(d) The strategies adopted and budgetary allocations made to improve the living conditions of women with disabilities, including women with disabilities living in rural villages and older women with disabilities.

Children with disabilities (art. 7)

5. Please provide information on:

(a) The public policies, strategies and programmes in place to advance the inclusion of children with disabilities in society, including in family and community life, and to ensure their access to mainstream community services on an equal basis with other children, including updated figures disaggregated by age, sex and place of residence, in both rural and urban areas;

(b) The budgetary allocation for the implementation of the rights of children with disabilities;

(c) The legal framework and practices concerning the rights of all children with disabilities to fully express their views on all matters affecting them, and to be involved in decision-making processes concerning their rights under the Convention.

6. Please describe the strategies and programmes in place and the resources allocated to ensure that children with disabilities are able to develop their full potential, regardless of their place of residence, age, sex or impairment (*ibid.*, paras. 21–22).

Awareness-raising (art. 8)

7. Please provide information on:

(a) The budgetary allocation for strategies aimed at increasing awareness among the population about the rights of persons with disabilities, including in the general education system, and the measures taken to increase the ability of persons with disabilities and their representative organizations to defend their rights;

(b) The outcomes of the training programmes and public campaigns on respect for persons with disabilities and their rights under the Convention, and the extent to which organizations of persons with disabilities have been involved in the development of training and public campaigns;

(c) The measures taken to provide training to the public and private media on portraying persons with disabilities in a manner consistent with the human rights model of disability, and to media professionals on the rights, dignity and diversity of persons with disabilities.

Accessibility (art. 9)

8. Please inform the Committee about the measures taken to promote accessibility, including through public procurement, and:

(a) To increase compliance with accessibility standards in the physical environment, and to include the natural environment and green space, housing units and all facilities opened to the public in accessibility plans;

(b) To address attitudinal barriers that prevent access by persons with disabilities to transportation;

(c) To provide persons with disabilities with information in accessible means, modes and formats, particularly Easy Read, sign language and Braille, including information concerning legislation, policies and consultation processes;

(d) To monitor progress with respect to accessibility in all areas identified in the Convention, particularly at the local level.

Right to life (art. 10)

9. Please inform the Committee about:

(a) The legal and other measures taken to recognize and protect the right to life of persons with disabilities on an equal basis with others, including persons with disabilities currently in institutions, and the normative framework and practices related to termination or withdrawal of life-sustaining treatment and care;

(b) The measures taken to address the suicide rate among persons with disabilities, including persons with post-traumatic stress disorder, and to provide them with appropriate support and counselling, and the extent to which public authorities engage with organizations of persons with disabilities and other civil society organizations to develop support in the community, including peer-to-peer support;

(c) The status and scope of the legislative proposals on end-of-life care in relation to persons with disabilities.

Situations of risk and humanitarian emergencies (art. 11)

10. Please provide information on the measures taken to establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others, and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic. In particular, please inform the Committee about the measures taken to provide persons with disabilities with accessible information concerning the virus's scope and prevention of the virus; to ensure continuous access to support and mainstream community services, including in-home care and personal assistance; to provide equal access to health care, including life-saving measures; and to ensure that disability pensions and social benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

11. Please provide information on the measures taken to establish supported decision-making mechanisms for all persons with disabilities, replacing the substituted decision-making regime, particularly for persons with intellectual or psychosocial disabilities who are considered "mentally incapacitated persons", persons with disabilities who require high levels of support and persons with disabilities in institutions, and to recognize the right of all persons with disabilities to equal recognition before the law.

Access to justice (art. 13)

12. Please provide information on:

(a) The measures taken to ensure the effective participation of persons with disabilities in the justice system, particularly persons with intellectual or psychosocial disabilities and persons with disabilities in institutions, including providing them with information in accessible formats, legal assistance and procedural and age-appropriate accommodation;

(b) The measures taken to address gender-based disability bias in the justice system that affects the credibility of and weight accorded to evidence and testimony provided by women with disabilities, particularly in the case of violence;

(c) Professional development programmes for law enforcement officials, including judges, prosecutors, the police and personnel working in the justice sector, on the rights of persons with disabilities.

Liberty and security of the person (art. 14)

13. Please provide information on:

(a) The measures taken to repeal legislation on compulsory treatment on the basis of impairment, including psychiatric treatment and community treatment orders affecting persons with disabilities;

(b) The measures taken to repeal any provisions in criminal law under which persons with disabilities are declared "unfit to plead" or exempt from criminal prosecution, including those that result in incarceration without conviction or other security measures;

(c) The composition and structure of the Mental Health Review Tribunal, and the measures taken by the Tribunal to adopt a human rights approach to protecting the rights of persons with disabilities.

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

14. Please provide information on the extent to which the safeguards concerning "detained persons with special needs" in the Police General Orders apply to persons with disabilities, and their compatibility with the Convention. Please also provide information on the detention of persons with disabilities in connection with social protests, and on the measures taken to prevent torture and ill-treatment against them and to ensure their access to health care and legal assistance during custody.

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

15. Please provide information on the measures taken:

(a) To prevent all forms of violence against women and girls with disabilities and to prosecute and punish the perpetrators, including information as to how the Sex Discrimination Ordinance protects women and girls with disabilities from sexual violence and harassment;

(b) To train law enforcement personnel on how to respond to violence against persons with disabilities, in particular women and girls with disabilities;

(c) To establish an independent monitoring authority, in order to adhere to the provisions of article 16 (3) of the Convention.

Protecting the integrity of the person (art. 17)

16. Please provide information on the measures taken to ensure the right of persons with disabilities to respect for their physical and mental integrity on an equal basis with others, including protection against forced sterilization and mandatory conversion surgery, particularly with respect to transgender and intersex persons with disabilities.

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

17. Please provide information on the measures taken:

(a) To promote freedom of choice concerning living arrangements by all persons with disabilities, including by abolishing guardianship and substituted decision-making regimes;

(b) To develop accessible housing in the community;

(c) To end institutionalization on the basis of impairment, and to adopt a deinstitutionalization strategy with a specific time frame, including of children with disabilities from all types of institutions, such as residential care homes, cage homes, cubicles and small suites;

(d) To develop a wide range of support services in the community, including personal assistance, and ensure that district support centres receive the necessary funds and premises to enable persons with disabilities to live in the community;

(e) To ensure the accessibility of mainstream services in the community to persons with disabilities, and to measure progress at the municipal level in urban and rural areas.

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

18. Please provide information on:

(a) The steps taken to recognize sign languages as official languages in Hong Kong Special Administrative Region and to increase the number of qualified sign language interpreters working in the public and private sectors;

(b) The measures taken to increase training for sign language interpreters, and to recognize the public examination and assessment of such interpreters.

Respect for home and the family (art. 23)

19. Please describe the measures taken:

(a) To ensure the right of all persons with disabilities who are of marriageable age, particularly persons with intellectual or psychosocial disabilities under guardianship, to marry and to find a family on an equal basis with others and with their free and full consent;

(b) To provide persons with disabilities with age-appropriate information about sexual and reproductive health services in accessible formats, with due regard to their right to privacy;

(c) To develop support mechanisms for children with disabilities and their parents in the exercise of their parental responsibilities;

(d) To incorporate into the State party's legislation and practices measures to prevent the separation of children from their parents on the basis of the disability of the child or of one or both of the parents.

Education (art. 24)

20. Please provide information on:

(a) The measures taken to ensure the right to inclusive education for students with disabilities at all levels of education, including for students who are deaf or hard of hearing and students from different ethnic backgrounds, and in international schools for English speakers;

(b) The measures taken to ensure individualized support is provided for students with disabilities in education and lifelong learning, in line with the Committee's general comment No. 6;

(c) The human, technical and financial resources allocated to ensure accessibility in tertiary education;

(d) The number and percentage of students with disabilities in the special and mainstream education systems, disaggregated by impairment, age, sex, gender and ethnic background.

Health (art. 25)

21. Please describe:

(a) The measures taken to develop accessible and affordable sexual and reproductive health-care services for women and girls with disabilities, and accessible information about available services;

(b) The coverage of the health insurance system with respect to persons with disabilities in urban and rural areas, including the most isolated areas, and the extent to which the Voluntary Health Insurance Scheme covers persons with chronic and rare diseases and persons with intellectual or psychosocial disabilities;

(c) The protocols and practices adopted to ensure that all health-care treatment of persons with disabilities is conducted on the basis of their free and informed consent.

Habilitation and rehabilitation (art. 26)

22. Please provide information on the measures taken:

(a) To promote comprehensive and community-based rehabilitation programmes for persons with disabilities;

(b) To strengthen the authority, function and capacity of the Commissioner for Rehabilitation to coordinate rehabilitation policies appropriately and comprehensively.

Work and employment (art. 27)

23. Please provide information on the measures taken:

(a) To promote access by persons with disabilities to work and employment in the open labour market, particularly persons with intellectual or psychosocial disabilities;

(b) To ensure that women with disabilities and persons with intellectual or psychosocial disabilities have access to existing employment support measures (*ibid.*, para. 113), in particular direct support, and job opportunities through social enterprises;

(c) To ensure that reasonable accommodation is provided in employment in the public and private sectors;

(d) To promote the existing forms of self-employment, entrepreneurship and cooperatives for persons with disabilities, and to protect labour rights in the framework of these types of employment.

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

24. Please provide information on the measures taken:

(a) To reduce poverty among persons with disabilities, including specific strategies, goals and results, and information about the inclusion of persons with disabilities in plans to implement the Sustainable Development Goals;

(b) To introduce uniform standards for approving the disability allowance, and to evaluate and update the rate of the disability allowance;

(c) To ensure access to social protection schemes and disability pensions by older persons with disabilities, in particular the disability allowance, the living allowance for low-income carers of persons with disabilities and the allowance for older persons;

(d) To ensure access by persons with disabilities to public housing programmes in urban and rural areas.

Participation in political and public life (art. 29)

25. Please provide information on the measures taken:

(a) To promote the active participation of persons with disabilities in public affairs;

(b) To review and amend legislation to enable persons with disabilities, particularly persons with intellectual or psychosocial disabilities, to exercise their voting rights (*ibid.*, para. 129);

(c) To ensure that persons with disabilities can freely participate in public protests, and have access to political information in accessible formats, including about the authorized routes of rallies and instructions on arriving at and leaving the rallies. Please indicate the specific measures taken to ensure that dispersal operations during protests take into account the situation of persons with physical impairments.

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

26. Please advise on the steps taken to ensure the participation of organizations of persons with disabilities in the full process of statistics and data collection and research, including design and planning, implementation, analysis and dissemination.

International cooperation (art. 32)

27. Please provide information on how and to what extent persons with disabilities are involved in international cooperation initiatives, including in programmes aimed at implementing the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

28. Please indicate the mechanisms of the Labour and Welfare Bureau and the Rehabilitation Advisory Committee to ensure the mainstreaming of disability into and the implementation of the Convention across all policies and programmes, besides rehabilitation and welfare plans. Please provide additional information on the current coordination mechanisms between the Labour and Welfare Bureau and the focal points at the local level in charge of giving effect to disability inclusion.

29. Please advise on:

(a) The measures taken to ensure compliance by the Equal Opportunities Commission (*ibid.*, para. 144) with the principles relating to the status of national institutions for the protection and promotion of human rights (the Paris Principles);

(b) The current human, technical and financial resources specifically allocated to monitoring the implementation of the Convention.

30. Please provide information on the measures taken to involve persons with disabilities and their representative organizations in monitoring the implementation of the Convention in Hong Kong Special Administrative Region, and the resources available to that end.
