



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

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

Addendum

Comments from the Government of China on the concluding observations (CRPD/C/CHN/CO/1)

I. Comments from the Government of China

1. The Government of China has always attached great importance to expanding work on disability, and actively promotes and diligently implements the Convention on the Rights of Persons with Disabilities (hereafter referred to as “the Convention”). The notable, continuous improvement in the situation of persons with disabilities in China amply illustrates the Government’s clear political will and tireless efforts to promote, protect and give effect to the rights and interests of persons with disabilities.

2. When, meeting in Geneva in September 2012, the Committee on the Rights of Persons with Disabilities (hereafter referred to as the “Committee”) considered the report of China on its implementation of the Convention, the Chinese delegation entered into dialogue and discussion with a frank, open and responsible attitude and answered the Committee’s questions by providing detailed, accurate data and factual information. The dialogue was highly effective and constructive and helped to promote understanding and trust between the two parties. The Chinese Government wishes to maintain positive interaction and communication with the Committee and further promote the effective implementation of the Convention in China and throughout the world.

3. The Chinese Government appreciates the Committee members’ dedication to their work and thanks them for the pertinent recommendations put forward in the concluding observations. The Government’s aim to promote and protect the rights and interests of persons with disabilities is fully consistent with the spirit of the Convention. Paragraphs 18, 20, 30 and 44 of the concluding observations, which contain recommendations on strengthening barrier-free infrastructure in rural areas, closing the gap between the benefits available to persons with disabilities in urban compared with rural areas, and combating and preventing the abduction and enslavement of persons with intellectual disabilities, closely mirror the aims of the next phase of work on disability in China.

4. Owing however, to a variety of factors, including inadequate communication and cultural differences, the Committee did not gain a full understanding of some of the Government's policies and action regarding persons and disabilities, and there have even been definite misunderstandings; we would like to briefly clarify these issues.

5. Paragraph 33 of the concluding observations states that "both the State party's laws and its society accept the practice of forced sterilization and forced abortion on women with disabilities without free and informed consent". In reality, the Population and Family Planning Act clearly states: "The State shall create conditions to ensure that individual citizens knowingly choose safe, effective, and appropriate contraceptive methods." The Regulations on Administration of Technical Services for Family Planning state that "citizens have the right to know about and choose contraceptive methods. The State guarantees citizens' right to have access to appropriate technical services for family planning ... The institution engaged in family planning technical services shall, when performing a contraceptive or birth control surgery, a special examination or a special treatment, obtain the personal consent of the recipient and guarantee the recipient's safety." These provisions clearly indicate that forced sterilization and forced abortion are explicitly prohibited under Chinese law. The Population and Family Planning Act sets out punishments for those who violate these provisions, namely that any State official who, in the performance of family planning work, infringes on a citizen's personal rights, property rights or other legitimate rights and interests, shall be issued an administrative sanction in accordance with the law, and if the official's conduct amounts to a crime then he or she shall be investigated for criminal liability in accordance with the law. In practice, the State does indeed punish, in accordance with the law, forced sterilization and forced abortion illegally performed on women with disabilities.

6. Paragraph 22 of the concluding observations refers to the legal capacity of persons with disabilities and guardianship. Under Chinese law, in order to protect the legal rights in criminal and civil affairs of persons with psychosocial or intellectual disabilities, their capacity to act and their guardians are subject to rigorous legal procedural determination by the courts and any guardian who infringes the rights of a person under guardianship is liable to criminal prosecution. The Committee's recommendations on that issue will be reported to the Chinese legislature.

7. Paragraphs 26, 28, 38 and 40 of the concluding observations refer to the "informed consent" of persons with disabilities who receive rehabilitation services. The Regulations on the Prevention of Disability and Rehabilitation of Persons with Disabilities currently being drafted by the Government clearly state that "rehabilitation services should respect the wishes of persons with disabilities and those of their families and friends". At present, before rehabilitation services can be provided, all relevant information must be made available to the affected persons with disabilities and their families, and it must be verified that the persons with disabilities themselves have submitted and signed the application for rehabilitation, so as to ensure their informed consent. The Mental Health Act promulgated on 26 October 2012 clearly stipulates the conditions under which involuntary hospitalization and medical treatment may be appropriate, namely, that a patient suffering from psychosocial disabilities may be involuntarily hospitalized only if they are not aware of or cannot control their own behaviour and if they pose a danger to themselves, to public safety, to the personal safety of others or to public order. The Act strictly regulates the procedures for involuntary hospitalization or medical treatment, provides ample means by which the persons concerned and their guardians may object to such measures, establishes mechanisms for correcting errors in admissions after the fact, and establishes that anyone who illegally carries out an involuntary hospitalization or medical treatment is to be held criminally liable.

8. Paragraphs 10 and 50 of the concluding observations recommend strengthening the role of organizations of persons with disabilities in the implementation of the Convention. The Chinese Government has always valued the important role played by civil organizations of persons with disabilities. Local governments at all levels are working in cooperation with civil organizations of persons with disabilities to provide services for those persons, for example through services purchased with public funds, subsidies, premises made available free of charge and training opportunities. Organizations of persons with disabilities and their representatives enjoy the same civil and political rights as other citizens. They may participate in the administration and discussion of State affairs, draw attention to the demands of persons with disabilities, participate in the drafting of policies and be involved in monitoring the implementation of those policies. During the drafting of its initial report on the implementation of the Convention, the Chinese Government sought input from many persons with disabilities and organizations of persons with disabilities. In future implementation efforts and while drafting the second periodic report, the Government will continue to cooperate closely with organizations of persons with disabilities.

9. From an anti-discrimination and social integration point of view, there is no conflict at all between the recommendations made in paragraphs 36, 41 and 42 of the concluding observations and the basic aims of the Government's work on disability. These aims must be implemented gradually, however, in accordance with the country's overall socioeconomic advancement. As regards special education, for example, the Chinese Government is rapidly developing inclusive education. However, given that currently education resources are still in very short supply, especially in rural and impoverished remote areas, special education must remain in place in order to ensure that as many children with disabilities as possible are able to attend school. The Committee has questioned whether the employment by quota policy can effectively address the problem of unemployment among persons with disabilities. This policy draws on the practice followed in developed countries. It was established with a view to providing more employment opportunities for persons with disabilities and encouraging employers to take on obligations in that regard. Since it was introduced it has shown extremely positive results. We are also aware of problems with the implementation of the policy and will take appropriate measures to make it more effective. In addition to the employment by quota policy, Chinese laws and related policies clearly set out many other kinds of measures to promote employment for persons with disabilities, such as concentrated employment and self-employment.

10. In recent decades, China has made great strides in promoting and protecting human rights and improving the living conditions of persons with disabilities, and it has been consistently active in its implementation of the Convention. However, it has the largest population of persons with disabilities of any developing country, and work on disability must be conducted in accordance with the country's level of socioeconomic development. The implementation of the Convention is a long-term process. The Chinese Government steadfastly protects the rights and interests of persons with disabilities, and that position will not change. We are willing to further strengthen our interchanges and cooperation with the international community on the basis of equality and mutual respect.

11. The Chinese Government will provide information on the specific follow-up given to the reasonable, workable recommendations made in the concluding observations when the Committee considers its next periodic report.

II. Response from the Government of the Hong Kong Special Administrative Region

A. Introduction

12. The Government of the Hong Kong Special Administrative Region welcomes the Committee's concluding observations on the initial report on the implementation of the Convention in the Hong Kong Special Administrative Region. It wishes to thank the Committee for the constructive dialogue during the consideration of its report and for the recommendations made in the concluding observations.

13. The Government is committed to fulfilling its obligation to implement the Covenant, and it will continue to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The authorities, in conjunction with the relevant government bureaux and departments, are carefully considering the concluding observations and developing appropriate follow-up action. The Government will continue to maintain close cooperation with the Rehabilitation Advisory Committee, the Equal Opportunities Commission, organizations of persons with disabilities, the rehabilitation sector and various other sectors of society, with a view to creating a caring, inclusive and equitable society.

14. This document sets out the preliminary views of the Government on each of the Committee's recommendations. In accordance with the request made in the concluding observations, the Government will, on or before 1 September 2014, submit its second periodic report on the implementation of the Convention, providing a detailed response to the Committee's concluding observations. That report will form part of the report of China.

B. General principles and obligations (paras. 53 and 54)

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

15. The Disability Allowance is a cash allowance paid out monthly under the Social Security Allowance Scheme and is designed to help residents of Hong Kong, China with serious disabilities to meet the special needs arising from those disabilities. Because it is not contributory or means-tested, in order to ensure the proper use of public funds recipients must meet relatively strict requirements and undergo a medical evaluation to certify that they suffer from serious disabilities. For the purpose of the Disability Allowance Scheme, applicants are considered to have serious disabilities if they have been certified by a public medical officer as being in a position broadly equivalent to that of a person with a 100 per cent loss of earnings capacity according to the criteria set out in the First Schedule of the Employees' Compensation Ordinance (chap. 282).

16. The Disability Allowance is not intended to cover all the living expenses of persons receiving benefits. Persons with disabilities who cannot financially support themselves may apply for the means-tested Comprehensive Social Security Assistance Scheme. The Scheme is designed to provide financial support to families in need so that they can meet their basic

needs. It takes into account the special needs of persons with disabilities by providing them with comparatively large monetary subsidies. Persons with disabilities applying for Comprehensive Social Security Assistance may, on the basis of an evaluation by a public medical officer, qualify to receive standard payments for the seriousness of their disability, and, depending on their circumstances, appropriate funds in the form of special allowances and grants. Beneficiaries with different types of disabilities may receive Comprehensive Social Security Assistance irrespective of their sex. In accordance with the broad definition of persons with disabilities set out in article 1 of the Convention, persons with disabilities who benefit from Comprehensive Social Security Assistance or the Disability Allowance may have long-term physical, psychological, intellectual, visual, hearing or organ impairments.

17. The Government of the Hong Kong Special Administrative Region has recently completed a review of the implementation mechanisms for the Disability Allowance Scheme and will be introducing measures to improve them (see paragraph 81 below). The authorities are conducting a review of the Disability Allowance Scheme at the policy level, including the relevant application requirements, and during that review they will give consideration to factors such as changing circumstances and public expectations.

18. With regard to the definitions of disability given in different pieces of legislation and service programmes, government bureaux and departments, when developing policies and services relating to persons with disabilities, generally refer to the definition set out in the Rehabilitation Programme Plan, which is more or less consistent with the definition contained in article 1 of the Convention. Nevertheless, given that persons with different types and degrees of disability need different kinds of services, government bureaux and departments need to differentiate between different groups of beneficiaries when developing policies and service programmes, so as to provide appropriate assistance that targets people's needs.

C. Equality and non-discrimination (paras. 55 and 56)

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

19. We take note of the Committee's view and wish to clarify that, in addition to handling complaints as provided for in chapter 487 of the Disability Discrimination Ordinance, the Equal Opportunities Commission can also proactively and regularly conduct investigations on its own initiative. Between 20 September 1996 and 30 September 2012, about 12 per cent of the investigations conducted under the Disability Discrimination Ordinance were initiated by the Commission of its own accord. The Commission also takes a proactive role in promoting the rights of persons with disabilities in various spheres. For example, in 2006 it conducted a survey on its own initiative of the situation with regard to barrier-free access to publicly owned or managed premises and facilities, as a result of which the Government of the Hong Kong Special Administrative Region introduced a programme of comprehensive upgrading projects, making improvements to barrier-free facilities at 3,500 government sites and 240 Housing Authority properties. Since 1999 the Equal Opportunities Commission has always actively participated in the large-scale awareness-raising activities organized during “Mental Health Month”, working together with the Government and stakeholders to promote mental health in communities. In 2009 it commissioned a consultant to conduct a study on equal learning opportunities for students with disabilities under the inclusive education system.

D. Women with disabilities (paras. 57 and 58)

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

20. Since 2002, the Government of the Hong Kong Special Administrative Region has been promoting gender mainstreaming to ensure that it fully considers the needs and viewpoints of both sexes when drafting laws, policies and programmes so that men and women can secure and benefit from resources and opportunities on an equal footing, ultimately resulting in gender equality.

21. In 2001 the Government established the Women’s Commission as a central institution to promote the welfare, rights and interests of women in Hong Kong, China, irrespective of their physical or mental condition. Since its establishment, the Women’s Commission has met regularly with local women’s groups (including groups concerned with the rights and interests of women with disabilities) and relevant NGOs, and from time to time its members attend regional and international conferences in order to keep abreast of new developments in the needs of and issues affecting various groups of women, including women with disabilities. When making appointments to the Women’s Commission, the Government gives due consideration to candidates’ abilities, special skills, experience, personal integrity and devotion to community service, scrupulously upholding the fundamental principle of appointment by merit, and proactively considers suitable women with disabilities for positions on the Commission.

22. The Hong Kong Special Administrative Region strives to protect persons with disabilities (in particular women and children with disabilities) from all forms of exploitation, violence and abuse, both within and outside the home, through legislative, administrative, social and educational measures. The Social Welfare Department has formed a special working group to draft procedural guidelines to be used by professionals when handling abuse cases involving adults with intellectual or psychosocial disabilities. The guidelines aim to, inter alia, improve the identification of risk factors, prevent abuse, strengthen interdisciplinary cooperation, and establish procedures for professionals in various fields to intervene and report cases of abuse, so as to safeguard the welfare of persons with intellectual or psychosocial disabilities. With regard to children, the authorities have also drafted the Procedural Guide for Handling Child Abuse Cases, which can be used as a reference by professionals and staff in various sectors when dealing with child abuse cases.

23. In addition, every year the Social Welfare Department conducts publicity and public awareness-raising campaigns to inform the public about the importance of family cohesion and preventing domestic abuse and to encourage victims to seek help as soon as possible. Furthermore, the Social Welfare Department and NGOs provide all manner of necessary services for victims of domestic violence and their families, including short-term accommodation and emotional support services, irrespective of their health, age, sex, sexual

orientation or race. The Support Programme for Victims of Family Violence, introduced in June 2010, further strengthens support for victims of domestic violence by providing them with information, emotional support and companionship.

24. With regard to punishment for perpetrators, the Hong Kong Police Force handles all reports of abuse professionally and conducts thorough investigations in accordance with the circumstances of each case. If there is sufficient evidence that an offence has been committed, the police will take firm and decisive action to arrest and prosecute the offender.

E. Children with disabilities (paras. 59 and 60)

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

25. Through preschool rehabilitation services, consistent efforts have been made to provide early intervention services for children with disabilities from birth to 6 years of age, so as to support their physical and mental development and enhance their social skills, thereby increasing their opportunities to attend mainstream schools and participate in day-to-day activities, and to help their families cope with their special needs.

26. Children with developmental and behavioural disabilities are first evaluated by the Department of Health Child Assessment Centres and, if necessary, are referred to the Hospital Authority for further diagnosis and treatment. At present, most of the children who require follow-up by the Hospital Authority suffer from autism or attention deficit hyperactivity disorder. In the fiscal year 2011/12 the Hospital Authority expanded its team of specialists to include more than 40 additional doctors, nurses and allied health professionals to follow up on these cases. It is estimated that this measure will benefit an additional 3,000 children per year.

27. In recent years, preschool rehabilitation services have been steadily increasing. In the past five years (from 2007/08 to 2011/12), the Government of the Hong Kong Special Administrative Region has allocated additional resources, adding 1,393 extra subsidized places in preschool services, which represents an increase of 26 per cent. Over the next two years a total of 607 additional places will be made available, representing approximately 11 per cent of the total number of children waiting to receive these services. In addition, since December 2011 projects have been launched under the Community Care Fund to provide financial assistance to eligible children who are on the waiting list for subsidized preschool rehabilitation services, so that they may receive training services and treatment from specialized childcare workers, psychologists, occupational therapists, physical therapists and speech therapists. Moreover, the Social Welfare Department is currently reviewing the methods used to provide preschool rehabilitation services and is looking for ways to further optimize those services.

F. Accessibility (paras. 61 and 62)

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

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

28. Regulation 72 of the Building (Planning) Regulations under chapter 123 of the Buildings Ordinance provides for the design of barrier-free access and facilities and requires appropriate barrier-free access to buildings and their facilities so as to meet the needs of persons with disabilities. To supplement regulation 72, the authorities issued the Design Manual – a set of guidelines on barrier-free access and facilities.

29. The Design Manual, first published in 1984, was updated in 1997 and again in 2008. The authorities will continue to review it in consultation with stakeholders, including persons with disabilities, and adapt it to new developments in building technology and in society to improve barrier-free design standards.

30. The Government of the Hong Kong Special Administrative Region notes the Committee’s recommendation that the new barrier-free design standards should apply retroactively to existing buildings and wishes to point out that the new standards apply to new buildings and renovations, modifications or additions to existing buildings. At the same time, a number of funds currently offer subsidies to private property owners to encourage them to improve barrier-free access to their property. Also, as the Committee is aware, the Government and the Hong Kong Housing Authority have launched a large-scale project to improve barrier-free access and facilities in about 3,500 existing government properties and 240 Housing Authority properties. By the end of June 2012, improvements to about 90 per cent of these properties had been completed. In addition, in accordance with the Disability Discrimination Ordinance, which applies to all buildings regardless of the year they were built, the Equal Opportunities Commission may take enforcement action in cases where no reasonable effort has been made to provide access for persons with disabilities. Given that the recommendation touches on a wide range of complex issues and would have profound legal, social and financial implications, its feasibility must be carefully evaluated. In particular, due to technical limitations, some existing buildings cannot be made to comply with the new barrier-free design standards.

31. Although regulation 72 of the Building (Planning) Regulations does not apply to the Government or the Housing Authority, pursuant to the Disability Discrimination Ordinance, which is legally binding on both the Government and the Housing Authority, public authorities may grant permission for construction projects only if they are satisfied that reasonable access will be provided for persons with disabilities. In addition, under the Disability Discrimination Ordinance, all members of the public have the right to enter or use any premises, and it is an offence to discriminate against persons with disabilities in the provision of access.

32. Consequently, the Government and the Housing Authority, in accordance with established policy, comply with the Design Manual currently in force and, to the extent possible, provide barrier-free facilities that exceed the legal standards. The Government and the Housing Authority have also set up a verification mechanism to ensure that new buildings or renovations and additions to existing buildings comply with the latest barrier-free design standards.

33. With regard to control mechanisms, the Buildings Department, in accordance with the Buildings Ordinance and the enforcement policy on unauthorized building work, will continue to step up enforcement of the law against unauthorized removal or alteration of approved access or facilities for persons with disabilities in private buildings. An owner who does not comply with a legal order issued by the Buildings Department under the Buildings Ordinance by carrying out remedial work may be sentenced upon conviction to 1 year's imprisonment and a fine of HK\$ 200,000. If the owner still does not comply, he or she will be fined an additional HK\$ 20,000 per day.

34. In order to raise awareness among property owners about their responsibility to maintain suitable barrier-free access and facilities, since 1997 the Buildings Department has implemented the All Access Action Plan to inspect the approved access or facilities for persons with disabilities in commercial buildings. If it is discovered that a building does not meet the requirements, the Buildings Department will issue a legal order under the Buildings Ordinance demanding that the owners rectify the situation. If the property owner does not comply with the order within the designated period, the Buildings Department will refer the case for prosecution.

35. Since April 2011, the Government has been appointing officials in every bureau and department to be in charge of barrier-free access. These officials coordinate matters relating to barrier-free access within their respective bureaux or departments. All government premises also have a person in charge of barrier-free access to improve the day-to-day management of barrier-free facilities.

G. Right to life (paras. 63 and 64)

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

36. The Government of the Hong Kong Special Administrative Region notes the Committee's concern about the suicide rate among persons with intellectual or psychosocial disabilities. It has always striven to ensure that persons identified as having suicidal tendencies have access to adequate specialist medical services. It is committed to working in close cooperation with various sectors, including NGOs, medical and health-care professionals and academia; taking multi-pronged and cross-sectoral measures; actively addressing suicide risk factors among persons with disabilities; and spreading suicide prevention messages in the community.

37. The Hospital Authority conducts comprehensive suicide risk assessments to diagnose suicidal tendencies in both outpatients and inpatients, and provides follow-up support. Specialist psychiatric outpatient clinics operate an assignment system to ensure that patients at risk can obtain prompt, appropriate specialist care. The Hospital Authority uses a series of assessments, including a suicide risk assessment, to follow the progress of inpatients at psychiatric hospitals towards recovery and rehabilitation.

38. A number of additional measures are being taken, such as gathering and analysing data on suicide, providing prevention, support and remedial services, raising awareness among the public and training front-line professionals to identify and handle potential suicides. Many mainstream services are also designed to promote mental health and identify high-risk cases. These include a series of programmes and services offered throughout Hong Kong, China or at the district level, such as telephone hotlines, outreach

services, and immediate crisis intervention and in-depth counselling services to help young people, families and members of other vulnerable groups — including persons with disabilities — at risk of suicide to deal with their problems and to strengthen their support networks. Then, the case assessments carried out by social workers include a suicide risk assessment. In addition, those involved in managing high-risk patients with psychological disabilities, including persons with suicidal tendencies, also take cross-sectoral measures and regularly review the cases.

39. The suicide prevention NGO known as the Samaritan Befrienders Hong Kong receives funding to provide specialized services. Since 2002 it has been operating a suicide crisis intervention centre offering outreach, immediate crisis intervention and in-depth counselling services for those in need. Also in 2002, the Social Welfare Department launched a publicity campaign entitled Strengthening Families and Combating Violence, with suicide prevention as one of its main themes. NGOs and the Social Welfare Department provide a number of dedicated hotline services for those who may be contemplating suicide or suffering from any type of stress.

H. Freedom from exploitation, violence, and abuse (paras. 65–68)

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

40. The Government of the Hong Kong Special Administrative Region has been making efforts through education to ensure that children and adolescents with intellectual disabilities have an appropriate knowledge and awareness of sex. The Education Bureau is using the comprehensive curriculum in primary, middle and high schools (including special schools) to promote sex education and help students to understand sex-related issues (such as self-protection, gender equality and sexual relations) as they grow up. Every year it organizes a variety of specialized sex education training courses for teachers in mainstream and special schools.

41. The Department of Health organizes sex education workshops for middle and high school students. Students with special education needs who attend mainstream public schools have equal opportunities to benefit from these workshops. The Department will provide assistance to any special schools that need specialized support to help them introduce sex education for students with intellectual disabilities.

42. With regard to support for persons with intellectual or serious psychological disabilities, the Hospital Authority provides social skills training to small groups or individuals, covering issues such as proper sexual attitudes and sexual harassment. It also offers support for families and caregivers, improving their understanding of individual patients' sexual needs.

43. Generally speaking, NGOs subsidized by the Social Welfare Department have the responsibility to ensure that service users are free from verbal, physical and sexual abuse during the period when they are receiving the service. NGOs providing rehabilitation services offer appropriate guidance, including sex education, to service users with intellectual or psychosocial disabilities according to their needs. In this connection, in 2010 the Social Welfare Department produced a sex education teaching kit for distribution to rehabilitation agencies to assist their front-line professionals (such as social workers,

psychologists and counsellors) in providing sex education to adults with intellectual disabilities, with a view to protecting them from sexual abuse.

44. In addition, the Social Welfare Department has developed guidelines for handling cases of abuse of adults with intellectual or psychosocial disabilities to be used as a reference by rehabilitation agencies and casework units when handling relevant cases. It has also drawn up procedural guidelines for handling adult sexual violence cases to provide guidance on how to offer assistance to mentally incapacitated victims.

45. The Social Welfare Department also provides regular training for social workers and professionals to help them identify and handle suspected cases of child abuse and sexual assault.

46. Regarding the criminal investigation of child abuse and sexual assault, the authorities provide special training courses for investigators from the Social Welfare Department and the Hong Kong Police Force on conducting recorded interviews with mentally incapacitated persons and other children with disabilities serving as witnesses.

“In addition, while the Committee does not consider shelter workshops as a good way to implement the Convention, it also finds the daily allowance for persons with disabilities in shelter workshops to be too low and bordering exploitation. The Committee recommends that Hong Kong, China, enact legislation to raise the daily allowance for persons with disabilities in shelter workshops, so as to prevent their exploitation.”

47. It should be pointed out that users of shelter workshops are not exploited. Shelter workshops provide a carefully planned work environment and allow persons with disabilities who cannot find jobs on the open market to receive suitable vocational training, thereby enabling them to develop social skills and interpersonal relationships while at the same time enhancing their capacity for work and preparing them for possible future employment, either in an enabling setting or on the open market.

48. Incentive payments are offered to shelter workshop users to encourage them to attend workshop activities and benefit from training. Incentive payments are a non-means-tested allowance rather than a form of salary or financial assistance. They are not designed to help users in financial difficulties with their living costs. Users in financial straits can apply for assistance through, for example, the Comprehensive Social Security Assistance Scheme.

49. The Government of the Hong Kong Special Administrative Region takes into consideration movements in Consumer Price Index A, the economic environment and the attractiveness of the incentive payment currently paid, and will continue to closely consider whether the amount needs to be adjusted.

I. Right to live independently and live in the community (paras. 69–70)

“The Committee is concerned about the shortage of subvented residential homes. It is also worried about the lack of premises for District Support Centres, whose aim is to strengthen the ability of persons with disabilities to live at home in their own community and be integrated into society. The Committee suggests that Hong Kong, China, allocate more resources to setting up more subvented mainstream residential homes and strengthening policies promoting establishment of accessible living facilities to secure the de facto possibility of free choice of accommodation. It calls upon Hong Kong, China, to ensure that the District Support Centres receive the necessary funds and premises in order to enable persons with disabilities to live in the community.”

50. The Government of the Hong Kong Special Administrative Region has been developing the following three-pronged approach under the Rehabilitation Programme Plan, in order to encourage different sectors to participate in the provision of residential care services for persons with disabilities:

- (a) Regulating residential care homes for persons with disabilities, so as to ensure a high quality of service, and introducing supporting measures to help the market develop different types of residential care homes for persons with disabilities;
- (b) Supporting NGOs to help them establish financially autonomous homes; and
- (c) Increasing the number of subsidized places in residential care homes.

51. In accordance with this policy, and following the entry into force of chapter 613 of the Residential Care Homes (Persons with Disabilities) Ordinance and associated regulations, in November 2011 a legal licensing system was set up for residential care homes for persons with disabilities. As a supporting measure, the pilot Bought Place Scheme was introduced in October 2010 to encourage private residential care homes for persons with disabilities to upgrade their service standards, and to increase the number of subsidized places in residential care. In December 2011 the Financial Assistance Scheme was also introduced to assist private residential care homes for persons with disabilities in carrying out improvement work to comply with licensing requirements in respect of building and fire safety.

52. The number of subsidized places in residential care has been constantly increasing. Over the past five years (2007/08 to 2011/12), we have allocated the resources to create an extra 1,414 subsidized places in residential care homes for persons with disabilities, representing an increase of 13 per cent. It is estimated that in the next two years an additional 784 subsidized places will be made available in residential care homes for persons with disabilities, meeting the needs of about 10 per cent of the persons currently waiting for places in those homes. The search will continue for suitable sites where more places can be offered.

53. In addition, patients who have genuine relevant medical and social needs, and whose home environment has been deemed no longer fit for living, may apply for “compassionate rehousing” to suitable public rental flats, so that they may continue to live within their community. The Housing Authority will make modifications to the flats free of charge.

54. In order to strengthen supported community-based living for persons with severe disabilities, and to relieve the pressure on their families and caregivers, in March 2011 the Social Welfare Department launched a pilot home care service scheme for persons with severe disabilities, which offers a whole series of comprehensive home-based services to meet users’ personal care, nursing care and rehabilitation needs.

55. Each year since January 2009 the Government has set aside an extra recurrent appropriation of about HK\$ 35 million. Using these funds to consolidate existing community support services, it has established 16 District Support Centres for Persons with Disabilities to provide one-stop community support services for persons with disabilities and their families and caregivers. The Social Welfare Department has already found premises for 15 of the centres; the remaining 1 is operating out of a commercial building until a permanent site is found.

J. Freedom of expression and opinion and access to information (paras. 71 and 72)

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

56. The Government of the Hong Kong Special Administrative Region has consistently pursued a policy of establishing a barrier-free environment and encouraging barrier-free communications for persons with disabilities, allowing their comprehensive integration into society. It is dedicated to adopting appropriate measures for the benefit of persons with disabilities, including facilitating the use of sign language and other forms of communication employed by the hearing-impaired.

57. To strengthen such communication, a number of Social Welfare Department-subsidized social and rehabilitation centres for persons with disabilities and two comprehensive service centres for the hearing-impaired offer training courses in sign language and provide sign-language interpretation services, thus helping the hearing-impaired to communicate with those whose hearing is unimpaired. This includes interpretation in situations such as employment interviews, legal proceedings, marriage ceremonies and when seeking medical treatment.

58. Between 2005 and 2008 the Hong Kong Council of Social Service and the Joint Council for the Physically and Mentally Disabled ran a sign-language interpreter grading scheme. Students with outstanding grades were recommended for work as court interpreters. These bodies are now planning to work with organizations of the hearing-impaired on a specific certification course for sign-language interpreters, to train more good sign-language interpreters and to improve specialist skills in this field.

59. The Government is also committed to promoting the study of sign language. The Labour and Welfare Bureau consistently subsidizes bodies providing services for the hearing-impaired, self-help organizations that set up sign-language training courses and produce teaching materials, including computer and cell phone applications with sign-language study aids, sign-language flashcards and teaching kits, and the organization that established the Hong Kong sign-language browser. The Bureau has also provided subsidies for such organizations to diversify public information efforts so as to increase awareness of sign language and thus promote concord between the deaf and persons with hearing.

60. To promote the use of sign language and encourage concord, the Bureau's Rehabilitation Advisory Committee in May 2010 established a small working group to advise the Government. The group may also resume the training and certification of sign-language interpreters, along with other related matters.

K. Education (paras. 73 and 74)

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

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

61. The Government of the Hong Kong Special Administrative Region is committed to providing students requiring special education with the proper services. It constantly gives ordinary schools capable of providing such services additional resources, professional support and teacher training so that they are able to follow an inclusive education model involving the entire school, and encourages schools to develop an inclusive culture and policy with measures supportive of students requiring special education.

62. The Government of the Hong Kong Special Administrative Region takes ad hoc measures to provide additional teachers over and above the numbers based on classes taught and the set teaching body at publicly run schools. In addition, it provides funds for schools through devices such as the Capacity Enhancement Grant and the Learning Support Grant, in support of various education measures. The schools can use these resources to hire additional teachers or procure additional specialist services. The student-to-teacher ratio has in fact improved markedly in recent years. At secondary schools, it has declined from 1:18 in the 2005/06 school year to 1:15.3 in the 2011/12 school year. At elementary schools, too, it has fallen, from 1:18.4 in 2005/06 to 1:14.9 in 2011/12.

63. To enhance the professional capacity of teachers in catering for students with special education needs, the Education Bureau launched a five-year teacher professional development framework on integrated education in the 2007/08 school year. Under the framework, the Bureau offers a three-tier systematic training programme with basic, advanced and thematic courses for serving teachers. In 2010 it reviewed the framework, finding that teachers and other stakeholders considered the three-tier programme to be practical and effective. The Bureau thus decided to invest further; in the 2012/13 school year it continued training teachers using the three-tier system, adjusting the objectives according to schools' requirements and the progress made. It organized seminars, workshops and exchanges of experience on special education needs for teachers and others working in schools. All local teacher training institutions have already included special education among the courses they give to teachers before entry into service.

64. To improve arrangements, the Bureau uses various means to monitor the use of resources and implementation of measures by schools. These include making regular on-site visits and canvassing the opinions of the professionals involved and other stakeholders so as to provide continuous supervision of integrated education in practice. In 2005, the Bureau established a Working Group on Integrated Education in Mainstream Schools, which holds regular meetings with representatives of schools, colleges and universities, other government bodies, NGOs and parents' associations, explaining to them the latest advances in integrated education and listening to their opinions on ways to make improvements. The Bureau will maintain contacts with the various school councils, NGOs and parents' associations, improving communications and strengthening cooperation so as to provide proper support for students with special education needs.

65. In higher education, tertiary-level schools and institutions in Hong Kong offer the same opportunities to all qualified applicants and admit students after considering every aspect of their performance. To assist students with special education needs when they apply for admission at universities receiving funding from the University Grants Committee, a supplementary assistance programme has been set up under the Joint University Programmes Admissions System (JUPAS). This programme permits such students to submit applications without competing against other applicants through JUPAS; however, they must meet the minimum requirements for the course in question. As with other applicants, it is the institution itself that has the final word on admission. The

Vocational Training Council has a specific admissions programme for students with special education needs who meet appropriate course requirements and who when interviewed are assessed as able to complete the course and earn a diploma.

66. In the 2012/13 school year the Vocational Training Council added a youth college, the aim being to provide young people with more opportunities outside mainstream education. The college offers special support for non-Chinese-speaking students and students with special education needs, providing appropriate professional education and training opportunities.

L. Right to health (paras. 75 and 76)

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

67. The Government is fully aware of the situation to which the Committee refers in its observations regarding the increasing demand for public medical services. It has consistently attached importance to improving health services. It maintains an effective public-private twin-track health-care system in which the public medical services provide citizens with a safety net while private services provide choice for those who can afford it.

68. Regarding the public medical services, the Government has in past years unceasingly increased the resources allocated to improving services addressing the medical needs of the public. The annual recurrent appropriation for the Hospital Authority has increased by some 40 per cent, from HK\$ 29,000,000,000 in 2007/08 to HK\$ 40,400,000,000 in 2012/13. In addition, the Chief Executive gave a commitment in his election manifesto to continue to boost public health-care funding in the medium and long term to the extent the administration’s finances would allow, so as to cope with an ageing population.

69. As for private medical services, to ensure the long-term sustainability of the medical system, one feature of the authorities’ health reform plans is that the growth of private treatment will be facilitated while public services are kept as the cornerstone of the health system and act as a safety net for the entire population. The aim is to correct the imbalance between public and private hospital services while increasing the overall volume of services provided by the medical system to meet ever-increasing demand.

70. The Committee expressed concern about the difficulties encountered by some persons with disabilities in obtaining health insurance coverage. In 2010, the second stage of a Government-run public consultation on health-care reform put forward a voluntary, Government-regulated private health insurance and health protection project (the Health Protection Scheme). The aim of the Scheme is to complement the public health-care services. Under the current health system, public services have always served as the foundation and universal safety net. Public hospitals provide some 90 per cent of in-patient services (in terms of patient-bed-days). The Hong Kong Special Administrative Region heavily finances the public health sector so as to ensure that all strata of society are provided with equal and exceptionally affordable access to health services.

71. The Health Protection Scheme aims to provide more choice with better protection to those who are able and willing to pay for private health-care services. Under the Scheme, the main features of the health plan will be provided by participating insurers; these include consumer protection (for example making sure everyone is insured, with coverage for life),

acceptance of people with pre-existing conditions after a waiting period and the use of a risk-sharing mechanism for insuring high-risk people. The standard feature of the Scheme is that it strengthens consumer protection and affords the public, including persons with disabilities, easier access to health insurance. The Government of the Hong Kong Special Administrative Region is now drawing up detailed suggestions, and expects to put forward proposals in 2013 and to hold public consultations.

M. Work and employment (paras. 77 and 78)

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

72. Government policy seeks to ensure that persons with disabilities have equal access to productive and gainful employment in the open market. The Government has passed appropriate legislation to ban discrimination against persons with disabilities in employment and work, and has always been committed to providing them with employment support and vocational training services, including assistance from the selective placement services of the Labour Department to help them find work, vocational rehabilitation training from the Social Welfare Department and the Vocational Training Council, and retraining courses organized by the Employees Retraining Board.

73. The Government will also continue to support incentive projects of all kinds and will increase public understanding of the work potential of persons with disabilities through public information activities. In terms of incentive projects, the Government has introduced a work orientation and placement scheme. Participating employers are eligible for subsidies. The amount granted for each person with disabilities hired is equivalent to two thirds of their salaries during the period of paid employment (up to a limit of HK\$ 4,000 per month), for up to six months.

74. Furthermore, from the beginning of 2013, financial assistance will be made available to help employers hiring persons with disabilities to purchase assistive devices and carry out workplace modifications, thus helping the disabled to find jobs on the open market and work more effectively. For each such person hired, the maximum assistance obtained by the employer will be HK\$ 20,000. A HK\$ 500 mentorship award will also be offered as an incentive for employers to provide workplace guidance to employees with disabilities and help them adapt to new jobs.

75. The Social Welfare Department’s Enhancing Employment through Small Enterprise Project gives NGOs seed money and helps them set up small businesses to create employment opportunities for people with disabilities. The most an NGO can receive for each venture under this project is HK\$ 2 million for start-up capital and initial operating expenses. Persons with disabilities must amount to at least 50 per cent of salaried employees. By the end of November 2012, 580 posts for persons with disabilities had been established under this scheme. To sustain efforts to create more employment opportunities for persons with disabilities, the Government of the Hong Kong Special Administrative Region has already invested HK\$ 100,000,000 in this project, and will extend the maximum period of funding assistance from two to three years.

76. As regards public awareness, in 2009–2010 the authorities began substantially increasing outlays for public information activities, from about HK\$ 2 million to some HK\$

13 million. Promoting employment of people with disabilities is one of the priorities of the annual public awareness campaign. The Government will continue to cooperate with the Rehabilitation Advisory Committee and many sectors of society, through public information and publicity activities and visits, to make the work potential of persons with disabilities generally known and to encourage people to hire persons with disabilities and buy products and services offered by rehabilitation organizations.

77. As an employer, the Government of the Hong Kong Special Administrative Region has always ensured that when persons with disabilities apply for government positions they can compete on an equal basis with other applicants. Its aim is to carry out a proactive hiring policy that gives them relatively advantageous treatment. In the hiring procedure, disabled candidates must only meet the basic entry requirements, and are not subject to screening but are invited directly to selection interviews or written examinations. When appropriate, they receive priority consideration to enable them to compete with able-bodied candidates on an equal basis. If, during interviews and examinations, a person with disabilities requires special arrangements, the relevant department will consider their requirements and make appropriate provision.

78. To help disabled officials carry out their jobs in an appropriate manner, the Government provides various types of on-the-job assistance. It also earmarks assistance for the purchase of assistive equipment. It will maintain this policy of employing persons with disabilities and carrying out publicity campaigns promoting the hiring of such persons as public servants.

N. Adequate standard of living and social protection (paras. 79 and 80)

“The Committee is concerned about the family-based assessment for application and eligibility to receive the Comprehensive Social Security Assistance. In addition, the Committee is worried about the different standards employed by doctors in approving the disability allowance. The Committee suggests that Hong Kong, China, replace the family-based assessment with an individual-based one in order to determine the eligibility to receive the Comprehensive Social Security Assistance. The Committee also recommends that Hong Kong, China, introduce uniform standards for approving the disability allowance.”

79. Regarding the concern expressed by the Committee about the family-based assessment (which also covers disabled applicants) for the Comprehensive Social Security Assistance Scheme whereby applications for assistance are considered in respect of the family unit, it should like to point out that the current arrangement appropriately reflects a social value: family members should assist and support one another. Breadwinners thus bear a responsibility to provide for their family members who are unable to support themselves. The aim of the Scheme is to provide a safety net of last resort and assist families that have insufficient financial support. Thus, applications for assistance are considered and approved based on the financial status of the family unit. This system provides assistance for the most needy, making good use of limited public resources, and ensures the sustainability of a publicly funded, non-contributory scheme. It is understood that exceptions should be made in certain circumstances, for example when persons with disabilities are on bad terms with their families or when, for specific reasons, their families cannot care for them. In such instances the Director of the Social Welfare Department may entertain applications for assistance under the scheme from individuals, on a case-by-case basis.

80. As explained above, applicants for disability allowances must obtain a doctor's certificate from a public medical institution attesting that the severity of their disabilities is broadly equivalent to that of a person with a 100 per cent loss of earning capacity according

to the criteria in Schedule 1 of the Employees' Compensation Ordinance (chap. 282). To ensure consistency and objectivity, medical practitioners at public hospitals/clinics assess applicants' conditions with the aid of a standardized medical assessment form and checklist. They take full account of the causes of the disorders, applicants' clinical and physical state and other factors relevant to their conditions before issuing a medical assessment as to whether their disabilities are of sufficient severity.

81. To improve the mechanism used for disability allowances, the Social Welfare Department set up an interdepartmental working group to review and improve the guidelines, forms and checklists given to doctors at public hospitals and clinics who perform medical assessments and the procedures followed by each department and agency handling applications. The review has now been concluded and the authorities will introduce reforms to ensure that medical assessments are carried out in a consistent and objective manner.

O. Participation in political and public life (paras. 81 and 82)

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

82. The Government will continue to seek suitable disabled candidates to serve on various advisory and public bodies. To cite a recent example, a person with disabilities has been appointed vice-chair of the Special Needs Groups Task Force under the Commission on Poverty. Also, a woman with disabilities is currently being given positive consideration for appointment to the Women's Commission.

83. Regarding access for the disabled at polling places, the Registration and Electoral Office has done its best to select locations for polling places that are accessible to voters with reduced mobility. In the 2012 elections for the Legislative Council, 549 polling stations were set up, 512 (93 per cent) of which were accessible to individuals with reduced mobility, a similar level to the 94 per cent of polling stations accessible to reduced mobility voters in the 2011 elections for the district councils.

84. In future elections the Registration and Electoral Office will continue to do its best to set up polling stations at locations accessible to persons with reduced mobility, and will take a variety of related steps to ensure that such people can exercise their right to vote. Whenever possible, it will install temporary ramps at places with no permanent barrier-free access, so as to permit wheelchair-bound voters to cast their ballots there. Voters who are unable to go to their assigned polling stations because of their reduced mobility can arrange with the Office to vote at a polling station specifically designed to accommodate reduced mobility voters. When necessary, the Office will arrange transport free of charge so as to facilitate disabled voter access to their assigned polling stations. If the polling station to which a reduced mobility voter is assigned is not barrier-free and the voter has not applied to be reassigned, the staff at the polling station will do what they can to facilitate entry and exit.

P. National implementation and monitoring (paras. 83 and 84)

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

strengthen the authority of the Commissioner for Rehabilitation and set up an independent monitoring mechanism that involves the active participation of persons with disabilities and their representative organizations.”

85. Full note is taken of the Committee’s view. A review is now under way of the Commissioner for Rehabilitation’s rank, the extent of his authority, and the structure and staff under him.

86. As for the supervisory mechanism, the Equal Opportunities Commission performs the role of independent statutory, enforcement agency for the Disability Discrimination Ordinance, consistently defending equality of opportunity for people with disabilities and upholding their rights as listed in the Ordinance. At the same time, the Rehabilitation Advisory Committee is the main advisory body to the Government that works to defend the rights and interests and promote the welfare of persons with disabilities. Besides assisting the Government in promoting the Convention, the Committee has consistently played a major part in monitoring implementation of the Convention in Hong Kong. The Chairman, Vice-Chairman and members of the Committee are all non-government officials; the membership includes people with all kinds of disabilities, parents of people with disabilities, representatives of persons with disabilities’ self-help organizations and rehabilitation NGOs, people from academic circles, business leaders, social activists, professionals and others concerned with the welfare of persons with disabilities. Representatives of the relevant bureaux and government departments are ex-officio members and are responsible for ensuring that the Committee is provided with the necessary support and assistance and that the matters it takes up are given appropriate follow-up. With wide acceptance and representation, the Committee is the most suitable central mechanism to promote the implementation of the Convention. The Government considers that the existing framework has been effective in monitoring the implementation of the Convention in Hong Kong.

III. Reply of the Government of the Macao Special Administrative Region

A. Freedom from exploitation, violence and abuse (paras. 90 and 91)

“The Committee is concerned about the heightened risk of violence against women and girls with disabilities becoming victims of domestic violence and abuse. The Committee recommends that services and information be made accessible to these victims. It specifically encourages Macao, China, to set up a complaint mechanism and conduct mandatory training for the police force on this issue.”

87. The Government of the Macao Special Administrative Region, besides bolstering the communication and cooperation mechanism between police units and the government bureaux concerned, is also planning to formulate regulations to combat domestic violence and to put the subject on the legislative agenda. The aims will be to prevent, curb and correct domestic violence and to increase protection and assistance for victims.

88. The draft recommends that, when the competent authorities ascertain that there has been domestic violence, they should inform the victims that they are entitled to protection and assistance, and provide them with the other resources required for the protection of their rights and interests. It recommends that the competent authorities should, either on their own initiative or in cooperation with public or private bodies, foster publicity campaigns against domestic violence, especially by disseminating information at schools, in the community and through the media, and ensure that victims are fully apprised of their rights and interests and of the channels to request assistance. The authorities should also

draw the attention of the public to the social problems caused by domestic violence and encourage collective action against it. At the same time, the draft also recommends that specialized training activities should be organized for police staff and others performing related tasks on how to respond to and deal with domestic violence issues.

89. The Health Bureau in 2011 began two years of training courses for the police force on human trafficking.

B. Right to live independently and live in the community (paras. 92 and 93)

“The Committee is concerned that the right to live independently and in the community has not yet been fully achieved in Macao, China. The Committee urges Macao, China, to prioritize the implementation of this right and shift from institutionalization to in-home or residential living, as well as provide other community support services.”

90. According to information from the 2011 Macao general population census, 87 per cent of persons with disabilities live in residential units within the community and another 12.5 per cent live in collective housing units such as institutions. For the most part, persons with disabilities in Macao are thus living in the community. Currently, the persons with disabilities living in institutions are mainly those with disabilities of intermediate or high severity, so that they cannot care for themselves and their families cannot care for them, or patients with intellectual disabilities or chronic mental disorders.

91. The Government has always pursued the guiding principle of community-based integration and participation and will continue, by offering facilities and financial and technical assistance, and in cooperation with NGOs, to give people with disabilities and their families support and services and help them live independently and integrate into the community.

C. Education (paras. 94 and 95)

“The Committee is concerned that the number of students with special educational needs in a non-inclusive environment is higher than that in an inclusive one. The Committee is also troubled by the low number of students with disabilities attending tertiary education. The Committee wishes to remind Macao, China, that the concept of inclusive education is essential to the implementation of article 24 and should be the rule rather than an exception. The Committee calls upon Macao, China, to continue making tertiary education more accessible to students with disabilities.”

92. Article 12, paragraph 3, of Act No. 9/2006, the Non-Tertiary Education System Framework Act, establishes that “priority shall be given to making special education inclusive at ordinary schools, while special education may also be offered at special schools and by other means”. Clearly, inclusive education is the main way in which the Government of the Macao Special Administrative Region, intends to expand the provision of education services for students with special needs. While promoting inclusive education, the Government will make use of various arrangements as appropriate, according to students’ academic capabilities and needs. Some students with relatively severe impairments, apart from those placed in special schools, are able to study in special classes at ordinary schools (including small special education classes). Schools thus can sometimes afford them and ordinary students an opportunity to indulge and interact in certain courses and activities. Students with less severe impairments will be merged into ordinary classes

and study the same courses as ordinary students, taking part in any activities arranged for ordinary students.

93. According to the 2011/12 education statistics, there were 1,044 special needs students, of whom 484 were merged into ordinary classes; 204 students were studying in special classes at ordinary schools (including small special education classes) and 356 were in special schools. This means that some 65.9 per cent of students with special education needs are currently being taught in inclusive education.

94. On the other point, relating to special education students who have completed secondary school and wish to continue their studies, the Government of the Macao Special Administrative Region has in recent years actively contacted staff at schools and tertiary institutions seeking to formulate recommendations on how to adapt entrance examinations and university learning facilities for such students. The relevant government departments are also planning to establish channels of communication with the institutions concerned in order to look jointly into the feasibility of arranging supplementary assistance for special education students wishing to enrol in university. Measures might include: special arrangements for entrance examinations, taking into account the specific needs of each applicant, for example by allowing extra time for the examination, providing facilities at the examination site, allowing them to use computers and using special testing materials or equipment; similarly, for students whose admission has already been confirmed, encouraging tertiary institutions to provide appropriate facilities and equipment so as to create an environment conducive to learning by students with special needs. The University of Macau has already adopted an admissions policy for students with disabilities which allows disabled applicants to voluntarily disclose their disability status or condition and to state whether they wish to benefit from special arrangements such as an admission examination waiver or special arrangements for taking the examination. Once enrolment is confirmed, the University sets up a small team to help provide suitable assistance.

D. Work and employment (paras. 96 and 97)

“The Committee is concerned that employees with disabilities only account for 0.3 per cent of the total employed population. The Committee recommends Macao, China, to introduce more affirmative action to enable persons with disabilities to find employment.”

95. To give employers in the various trades a better understanding of the work capabilities of people with disabilities, the Labour Affairs Bureau has set up a special web page that presents services for the employment of people with disabilities. In addition to covering aspects to which employers must pay attention when hiring persons with disabilities, it also gives people with disabilities information on interviewing skills and on how to apply for a job. There is also a special web page for job announcements and for matching candidates with placements, where persons with disabilities can search through vacancies and ask the Labour Affairs Bureau to provide references to the companies concerned, thus increasing their chances of being taken on. Through visits to companies and various other channels, the Bureau also provides employers with information on the hiring of people with disabilities, raises awareness of their work capabilities and encourages employers to join the ranks of those who hire them.

96. On another level, the Macao Social Security Fund, working together with the Labour Affairs Bureau and rehabilitation agencies, uses a combination of subsidies and training to improve the employability of unemployed persons facing particular difficulties in Macao. These include programmes for disabled employees, such as the Vocational Training Allowance for the Unemployed, the Employment Allowance for the Unemployed, the

Subsidy for Recruitment of Youths Seeking Jobs for the First Time and the Employment Allowance for Unemployed Persons with Disabilities.

97. To increase understanding among all sectors of society of the work capabilities of people with disabilities, the Labour Affairs Bureau and the Social Welfare Bureau together run numerous activities, including the Award for Employers Hiring Disabled Persons and the Award for Disabled Employee Excellence, which are conferred in alternate years. Such acknowledgements serve to increase understanding and acceptance of persons with disabilities' work capabilities among employers and the public overall, thus encouraging employers to offer more jobs to people with disabilities. By 9 January 2012, the Labour Affairs Bureau had received 7,360 vacancy announcements intended for people with disabilities, 71 per cent more than in the same period in 2011. This reflects the fact that employers are increasingly considering hiring people with disabilities.
