

**United Nations Committee on the Rights of Persons with Disabilities
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**Implementation of Convention on the Rights of Persons with Disabilities
in Hong Kong**

Submission from the Equal Opportunities Commission, Hong Kong

Introduction

1. This paper aims to present the views of the Equal Opportunities Commission (EOC) on the implementation of the Convention on the Rights of Persons with Disabilities (the Convention), and to give alternative views to enhance the full realization of the rights of persons with disabilities (PWDs) in Hong Kong.

Background

The Equal Opportunities Commission (EOC)

2. EOC is a statutory body which is funded by the Hong Kong Special Administrative Region (HKSAR) Government. The main functions of the EOC are to eliminate discrimination and promote equal opportunities. We are responsible to administer the Disability Discrimination Ordinance (DDO), a legislation that prohibits disability discrimination, harassment and vilification, as well as the other three anti-discrimination ordinances, namely Sex Discrimination Ordinance, Family Status Discrimination Ordinance and Race Discrimination Ordinance. EOC does not have any specific authority in the HKSAR Government decision-making process regarding disability issues, though it is empowered to keep under review the working of the DDO and to submit to the HKSAR Government proposals for amending the legislation when it considers necessary to do so. On a day to day basis, EOC mainly influences disability related decision-making by submitting alternative reports to relevant United Nations Committees, presenting submissions to the Legislative Council of Hong Kong, responding to relevant public consultations, conducting formal investigations as well

as researches to effect policy change.

Central Coordination System

3. In HKSAR government structure, the Commissioner for Rehabilitation (C for R) of the HKSAR Government is responsible for the formulation of the overall policy in rehabilitation and welfare matters for PWDs, and for co-ordinating and facilitating all government departments, public organisations and NGOs in the development and provision of rehabilitation services. While C for R is working under the supervision of senior government officials, there are some concerns about the independence of C for R to promote the implementation of the Convention in various government departments. Moreover, there are also concerns on the effectiveness of the co-ordinating function of C for R due to the fact that C for R is just a relatively junior official within the government structure. NGOs often expressed that they still have to deal with different government policy bureaux and departments from different fronts for different issues relating to the rights of PWDs.

4. To ensure the HKSAR Government's compliance with the provisions relating to the rights and PWDs under the Convention, it is suggested that the central co-ordinating role of C for R should be significantly strengthened to facilitate the mainstreaming of the rights of PWDs in the formulation and implementation of relevant government's policies, plans and programmes. Besides, C for R should also take a more proactive role in collaborating with NGOs to promote the implementation of the rights of PWDs stipulated in the Convention. Alternatively, the HKSAR Government should set up a high level mechanism to promote, protect and monitor the implementation of the Convention.

Central Advisory System

5. The Rehabilitation Advisory Committee (RAC) is an advisory body to the HKSAR Government on matters pertaining to the well-being of PWDs and the development of and implementation of rehabilitation policies and services. With the application of the Convention to Hong Kong, the RAC also advises the HKSAR Government on the promotion and monitoring of the implementation of the Convention in Hong Kong. Representatives of relevant government departments are

required to attend the meetings of the RAC and its Sub-committee on Access, but there is no institutional representation of the NGOs for PWDs nor representative from the EOC. To strengthen the functions of the RAC, the HKSAR Government should actively involve PWDs, their representative organisations as well as EOC in the RAC, and consult them in the decision-making process concerning issues related to the promotion and protection of the rights of PWDs.

Relevant Legislations

6. Currently, there are only two pieces of domestic legislation directly relating to the protection of the rights of PWDs – the Disability Discrimination Ordinance (DDO) and the Mental Health Ordinance (MHO). The DDO came into effect in 1996 prior to the ratification of the Convention. Since the implementation of the DDO, Hong Kong has made considerable progress in arousing public awareness and enhancing protection of the rights of PWDs.

7. The MHO, which was drafted mainly from a medical/management perspective, governs the care, supervision, management of property and affairs, reception, detention, treatment and release of persons with mental illnesses. Most of the provisions are about the procedures leading to patients' detention in and discharge from mental hospitals. Little is mentioned about the promotion of mental health or prevention of mental illness in Hong Kong. Although the admission of the person to the mental hospital depends on the judgment of the medical practitioners for "the health or safety" and "protection of other persons", the law says little about how the health of the person is secured. When compared to similar legislation in the UK, important provisions like Consent to Treatment, Duty to Provide After-care, Code of Practice, Mental Health Act Commission etc. are omitted. The legislation falls far short of the ideals of normalization and integration.

8. In fact, mental health is influenced by a matrix of factors which fall beyond the scope and purview of the medical and health sector. Policies related to employment, education, housing, economics, urban planning and criminal justice should be formulated in a way that promotes mental health. Failing to consider the importance of wider civil, political, economic, social and cultural rights of persons with mental illnesses will reduce the effects and outcome of mental health services.

EOC and NGOs therefore advocate the setting up of a Mental Health Commission (MHC) in Hong Kong. The proposed MHC will be responsible to co-ordinate and monitor the formulation and implementation of policies and action plans relating to promotion of mental health in Hong Kong. It is discouraging that the HKSAR Government is reluctant to set up the proposed MHC. The HKSAR Government should seriously reconsider the proposal and amend the MHO so as to make it in line the global trend of deinstitutionalization, normalization and integration of people with mental illness.

Information in relation to specific Articles in the Convention

Article 2 – Definitions

Definition of disability

9. Recognizing the progression in disability rights, in particular the diversity of PWDs, the DDO adopts a fairly broad definition of disability to encompass most situations where a person should be regarded as having a disability and thus effectively protected by the law. While different policy and functional bureaux/departments of the HKSAR Government adopt different definitions of disability in order to provide tailor-made and suitable support to persons in need, different definitions of disability give rise to gaps when approaching issues and cases involved the EOC's statutory power and duties. For example, excluding certain categories of PWDs from the government's Disability Allowance Scheme and the Rehabilitation Programme Plan may be considered justifiable from an administrative convenience perspective but not necessarily in line with the equal opportunity principles. At times, it invites allegations of discrimination.

10. It is understandable for the government policy bureaux and functional departments to define their respective scope of service in order to make the best use of resources to meet specific needs of individual members of the public. It is also prevalent and convenient for them to approach the issue of disability from a medical or biological perspective. However, disability should now be seen in the context of interaction between persons with impairments and attitudinal and environmental barriers that hinder their full and effective participation in the society. The HKSAR

Government should adopt a comprehensive and community based approach in order to address the specific needs of PWDs.

11. In view of the above, it is advisable for the HKSAR Government to consider standardizing the definition of disabilities and adopting the new International Classification of Functioning, Disability and Health (ICF) introduced by the World Health Organisation in formulating its policies and providing services for PWDs. ICF is a classification of health and health-related domain, which are classified from body, individual and societal perspectives. It acknowledges that societal and environmental factors should come to play when devising rehabilitation and welfare services for PWDs. In this respect, the HKSAR Government should re-examine its disability and rehabilitation policies and services to ensure that they are devised and delivered to meet the specific needs of people with particular disabilities and no inter-disability discrimination should occur.

Interpretation of disability discrimination

12. The DDO in Hong Kong provides that disability discrimination is to be proved by making a comparison between a person with a disability and a person without a disability. The HKSAR Government interprets this to mean that it only covers discrimination when a person with a disability is compared to a person without any disability. On the government's interpretation, it does not cover discrimination when compared to a person with another disability. The EOC regards this interpretation as a significant reduction of the protection under the DDO. This is so especially when the DDO has a very wide definition of "disability" and it may be said that everyone has some form of "disability", as it includes past illnesses.

13. Certain services and benefits may only be relevant to people with disabilities and may not be relevant to people without any disability. Discrimination on the basis of disability can be found in these services and benefits. For instance, medical benefits provided by employers in Hong Kong often exclude benefits for psychiatric conditions or AIDS without proper risks assessment. On the HKSAR Government's interpretation, an employee who is denied medical benefit for a psychiatric condition or AIDS would not be protected by the DDO because he/she cannot compare with other persons who receive medical benefits for other

disabilities. He/she may only compare with persons without any disability. But persons without any disability would not receive any benefit for psychiatric conditions or AIDS, so a claim for disability discrimination under the DDO would not be open on the HKSAR Government's interpretation.

14. The exclusion of psychiatric conditions or AIDS would come within the meaning of discrimination on the basis of disability under the Convention. The HKSAR Government's interpretation does not meet obligations under the Convention to protect against discrimination (Article 4, 5, 25 and 27).

15. For reasons above, EOC has made suggestion to the HKSAR Government to amend the DDO to clarify that a comparison can be made in appropriate cases between a person with a disability and a person without that particular disability. For a long time, the HKSAR Government has not responded positively.”

Article 9 – Accessibility

Access to physical environment/premises

16. Physical access is one of the key barriers that hinders PWDs' equal participation in public life. Accessible physical environment/ premise is essential for independent living of PWDs and the elderly people, and it is also a major area of concern for the EOC. In this respect, expedient remedial actions should be taken to improve the situation, and at the same time, the concept of universal design should be adopted in new developments. In the absence of an overarching policy on building an inclusive society and lack of a high-level coordinating agency to oversee the accessibility of physical environment, improvement is far from satisfactory. The EOC recommends the HKSAR Government to consider making use of the licensing mechanism to ensure that elderly homes, restaurant, hostels, places of public entertainment and other publicly accessible premises are fully accessible to PWDs.

17. In December 2006, in accordance with section 66 of the DDO, the EOC launched a formal investigation to examine the means of access to or use of premises and facilities owned or managed by the public sector: the Housing Authority, Housing

Society, the Link Management Ltd. and the HKSAR Government. The investigation aims to identify shortfalls in various aspects of accessibility.

18. According to the *Formal Investigation Report on Accessibility in Publicly Accessible Premises* (the Report) released in June 2010, among the 17 public housing estates surveyed, three were built after 1997. It was found that post-1997 estates generally provided better access facilities that complied with the design standards. Regarding Government offices, five government offices were audited. Operational barriers found were improper location of tactile guide; obstruction to passage; and misuse of accessible toilets and accessible parking spaces. These problems were believed to be caused by a lack of maintenance and staff awareness.

19. To tackle the deficiencies identified in the Formal Investigation, we have made the following policy recommendations to the HKSAR Government:

- (a) To develop an overarching policy on building an inclusive society that adopts the principle of universal design.
- (b) To develop a corporate disability strategy for addressing accessibility issues in Hong Kong followed by a rolling action plan with time lines and designated funds in budgets to finance capital and improvement works.
- (c) To set up a high-level central co-ordinating body, headed by the Chief Secretary for Administration of the HKSAR Government, to develop policies and practices on promoting universal access to public spaces, buildings as well as services owned and operated by the government and public bodies.
- (d) To amend the Buildings Ordinance by removing the current exemptions of buildings belonging to the HKSAR Government.

20. In response to the Report, the HKSAR Government had set up an inter-departmental task force to draw up a retrofitting programme for upgrading barrier-free facilities in about 4,000 government and Housing Authority premises and facilities. By August 2012, some 90% of the retrofitting work had been completed. It also pledged that the remaining retrofitting work would be completed by mid 2014.

Meanwhile, individual government bureaux and departments have designated an Access Co-ordinator, who is pitched at the Directorate Grade Officer level, to co-ordinate accessibility issues within the bureau or department and serve at the departmental focal point of a government network to enhance the accessibility of the government premises and facilities. Individual bureaux and departments have also appointed an Access Officer for each venue under their management to serve as the first point of contact on and handle the day-to-day management of accessibility issues at the venue. EOC has assisted the HKSAR Government in providing training, seminars and workshops for the Access Co-ordinators and Access Officers to co-ordinate and resolve barrier-free issues.

21. Under local law and policy, buildings built before 2008 (pre-2008 buildings) are not obliged to comply with the latest *Design Manual: Barrier Free Access 2008*¹ (DM 2008) and are not required to proactively incorporate barrier free facilities. Noting that addressing the extensive accessibility problems by way of lodging disability discrimination complaints with the EOC may not be an effective approach due to the fact that such complaint-based approach can only address on individual problem at a time. A comprehensive and extensive retrospective improvement to access in pre-2008 buildings cannot be achieved by enforcing the DDO alone.

22. To upgrade the barrier free access/facilities in pre-2008 buildings, the HKSAR Government should take the leading role in adopting a higher standard for barrier-free access provision in government premises and facilities, rather than just fulfil the minimum requirements under DM 2008. The HKSAR Government should also draw up a timetable for reviewing the requirements under DM 2008 to meet the latest international standards and consider introducing legislation to amend the relevant Building Regulations under the Buildings Ordinance with a view to requiring pre-2008 buildings to incorporate barrier-free facilities and to comply with the latest standards under the DM 2008. Moreover, the HKSAR Government should incorporate the concept and principles of universal design in the formulation and implementation

¹ *Design Manual: Barrier Free Access 2008 (DM2008) is an updated version of the Design Manual: Barrier Free Access 1997 (DM1997). In the DM2008, the possible ambiguities in the interpretation of some standards and provisions are removed. In addition, DM2008 has been expanded to include provision of facilities for the elderly people to enhance their health and safety and to facilitate their movement within buildings*

of policies as well as in the development of new government projects, with a view to building a barrier-free community. The HKSAR Government should also promote and enhance public awareness of the importance of accessibility in premises and instil a positive attitude towards enhancement of accessibility to the physical environment, including private premises.

Accessible public transport services

23. Nowadays, more than one-third of public franchised buses in Hong Kong are still inaccessible to the PWDs. It is crucial for the public franchised bus operators to ensure that their bus services and facilities are fully accessible to PWDs. In this connection, EOC requested the HKSAR Government, in considering the renewal of public bus service franchises, should make the relevant access requirements as standard provisions in the franchise to enhance the public bus services are accessible to all people, irrespective of their disabilities.

24. In response to public concerns and our suggestions, the HKSAR Government has taken a step forward by introducing a new clause in the new franchise for some franchised bus companies. This new clause will empower the Commissioner for Transport of the HKSAR Government to require the bus operators to provide facilities or designs for the enhancement of the general service and safety standard of buses. These include adopting barrier-free and elderly-friendly features on new buses. The HKSAR Government has pledged that by 2015/16, all public franchised buses will be fully accessible to PWDs. It is considered an important step forward.

25. To further enhance the accessibility of public transport services in Hong Kong, EOC has collected the views and suggestions of the PWDs as well as relevant stakeholders through sharing sessions. The salient recommendations to improve the accessibility of public transport services were relayed to the HKSAR Government and relevant public transport operators for follow-up action. The HKSAR Government should work closely with the public transport operators and take appropriate measures to ensure that PWDs can enjoy accessible public transport services as soon as possible.

26. While noting the inconvenience encountered by PWDs in general when

travelling on public transport, the barrier faced by people with particular disabilities rendering them to carry life-supporting oxygen cylinder when travelling is even greater. Arising from a case that came to EOC's attention in 2009, it reveals that people who have a genuine need to carry life supporting oxygen cylinder with them when travelling on public transport are prohibited to do so under the Public Bus Services Regulations (PBSR) since compressed gases, including oxygen, are regarded as dangerous goods under the Dangerous Goods Ordinance (DGO).

27. The EOC has urged the HKSAR Government to provide exemption under the PBSR to accommodate the special need of these people with a particular disability since 2009. To date, the HKSAR Government is still reviewing the relevant legislations with a view to providing clear guidelines for public transport operators. The EOC continues to monitor the situation to ensure that PWDs should have equal access to public bus service.

Information and Communication Technology

28. Accessible means to acquire information is vital to full participation in public life. Making information and communication technology (ICT) accessible to PWDs is crucial for them to be able to live independently. The EOC has engaged stakeholders, including professional bodies of the IT industry, government bureaux and departments, and NGOs to advocate for Web Accessibility for All. Efforts in the past decade in promoting web accessibility are rewarded by having mainstreamed this concept into policy formulation which is reflected in the HKSAR Government's Digital 21 Strategy as well as the ICT industry.

29. The HKSAR Government's continuous support and effort to promote web accessibility is recognized and appreciated. To further promote the adoption of web accessibility in the public and private sector, Office of the Government Chief Information Officer (OGCIO) of HKSAR Government is organizing an award scheme for accessible websites in collaboration with the EOC. The scheme aims to recognize the local enterprises and organizations for their efforts and accomplishments in the adoption of web accessibility design, and further increase public awareness of the subject.

Article 11 – Situations of risk and humanitarian emergencies

Code of Practice for Fire Safety in Buildings 2011

30. While the HKSAR Government issued *Code of Practice for Fire Safety in Buildings 2011* (the Code) in 2011, it is found that there is a lack of provisions and guidance for egress, safe evacuation and means of escape for PWDs in the Code. In addition, there is no representation of PWDs in the Steering Committee for the Consultancy Study on Fire Engineering Approach and Fire Safety in Buildings (the Steering Committee) which was set up to steer the drafting of the Code.

31. In view of the above deficiency, EOC has urged the HKSAR Government to review the Code as well as take appropriate measures/actions as early as possible to incorporate provisions of egress, safe evacuation and means of escape for PWDs in the Code.

32. In response to our suggestions, the HKSAR Government agreed to reconvene the Steering Committee to re-examine the issue of suitable provisions for PWDs in a building in case of fire, such as temporary refuge areas for PWDs to be incorporated in the Code. Moreover, a Working Group was set up by the Buildings Department of HKSAR Government to make recommendations to the Building Authority appropriate design requirements, guidelines or best practice on the provision of facilities in buildings for evacuation of PWDs in case of fire for incorporation in the Code.

Article 19 – Living independently and being included in the community

Community Care for persons with mental illness

33. In light of the spirit and core values enshrined in the Convention and the paradigm shift from institutional care to community care for persons with mental illness (PMIs), the HKSAR Government should accord a higher priority and take proactive measures to provide community support and care to PMIs and to facilitate discharged mental patients' (DMPs) re-integration into the community.

34. Since 2001, the HKSAR Government has launched some initiatives to improve community support services for PMIs/DMPs in order to help them improve their social adjustment capabilities for early and better re-integration into the community. One of the latest initiatives is the introduction of Integrated Community Centres for Mental Wellness (ICCMW). ICCMW aims to provide one-stop, integrated and accessible community health support services to DMPs, persons with suspected mental health problems, their families and carers and residents living in the district. The HKSAR Government set up the first ICCMW in 2009 and it plans to expand the service mode of ICCMW to all the 18 districts in Hong Kong by 2011.

35. As at February 2012, only 6 ICCMWs have been operating in permanent premises, and some ICCMWs have yet to identify suitable premises. Public's misconception that PMIs are dangerous proved to be a huge barrier since local residents and community leaders objected to the setting up of ICCMWs in their neighbourhood. Insufficient mental health care professionals and supporting personnel is also an obstacle to the smooth and effective implementation and operations of ICCMWs. In view of the above obstacles, the HKSAR Government should take a more proactive and progressive approach in facilitating the early establishment of the remaining ICCMWs.

36. While mental health is more than the absence of mental illness, people can have varying degree of mental health condition, whether or not they have a mental illness. Mental illnesses and problems are believed to result from a complex interaction among social, economic, psychological and biological/genetic factors. Thus, the HKSAR Government should adopt a cross-sectoral and co-ordinated approach to provide integrated and accessible community health support services to PMIs, especially the DMPs, persons with suspected mental health problems, their families and carers and residents living in the district. As mentioned earlier, the EOC has advocated for a long time that the HKSAR Government should set up a high powered and broad based Mental Health Commission (MHC), preferably chaired by a high level government official who should proactively co-ordinate and monitor the formulation and implementation of both short term and long term policies and action plans relating to mental health support services. Regrettably, the HKSAR Government is reluctant to set up the proposed MHC. The HKSAR Government should seriously consider setting up a MHC to co-ordinate and monitor the policies

and work to promote the right of persons with mental illness.

Article 24 – Education

Integrated Education

37. Education is a crucial factor for the development of our society as well as for individuals. Generally speaking, students with or without disabilities can enjoy twelve years free education in Hong Kong. Parents of students with special education needs (SEN) can have the choice to arrange their children to study in the “mainstream schools” which practise integrated education as well as provide accommodation for students with special learning needs.

38. The concept of integrated education was first introduced to Hong Kong in the 70s. Initially, it took the form of special class and special programmes in ordinary schools to cater for students with special educational needs. In 1997, the Integrated Education pilot project with an emphasis on whole-school approach was launched. However, acceptance of the policy or principle is not enough to enable the effective implementation of integrated education. The implementation of integrated education over the past decade has led to the involvement of a wider group of teachers and increased public awareness, bringing about heightened parental expectations and increased pressure on schools and teachers.

39. In general, schools adopting integrated education model encounter the following problems: (a) schools do not have sufficient funding and manpower to implement integrated education properly; (b) teachers are generally lacking of relevant training and support relating to integrated education; (c) some SEN students are discriminated against by their school-mates in the schools due to their disabilities. To cope with the problems existed in the present integration education system, the HKSAR Government should take appropriate measures by providing more resources to the schools, rendering more professional training and relevant support to the teachers as well as organising more education activities to arouse public awareness towards the needs of the SEN students.

Students with disabilities entering Universities

40. A survey conducted by Civic Exchange² found that only a relatively small proportion of students with disabilities could enter local universities, and some universities might not be able to provide relevant accommodations to students with disabilities. For instance, a university refused to admit a student with hearing impairment because it could not provide or arrange sign language interpretation service for the student in his study. Moreover, in the absence of appropriate support from universities, students with disabilities encounter a lot of difficulties in finding jobs and developing their career after graduation. The HKSAR Government should provide more resources as well as support to universities to assist students with disabilities in their studies and provide assistance to them in their search for jobs and career development after graduation.

Article 27 – Work and employment

Statutory minimum wage

41. The Minimum Wage Ordinance (MWO) became effective in May 2011, and it is widely recognized as an important milestone in the development of employment policy in Hong Kong because it provides statutory wage protection to all employees, including employees with a disability. To protect PWDs who are less competitive in the open labour market, special arrangement is made to allow them to be employed at a wage lower than the statutory one, and to assess the productivity of individual employee who has a disability in the authentic workplace in order to help to determine whether the individual should be remunerated at no less than the statutory minimum wage rate, and if not, the extent of discount. To forestall abuse by employers, the right to invoke such assessment is vested with the employee who claims to have a disability.

42. While providing a certain degree of protection for PWDs in the competitive open labour market, section 24(3) of the MWO stipulates that the employer is not considered as contravening the DDO when “*an employer dismissing a person with a disability on account of the outcome of an assessment made under*

² *Civic Exchange is an independent Hong Kong-based public policy think tank. Its mission is to promote civic education amongst members of the community and undertake research on development of economic, social and political policies and practices to help shape the breadth and depth of public policy debate.*

Schedule 2 of the Minimum Wage Ordinance.” In the absence of any review mechanism for the assessment outcome of the productivity of the PWDs at the present moment, it is generally considered that the provision might be abused by employers as employees with disabilities could be dismissed without any reasonable cause after the productivity assessment. To protect the rights of employees with disabilities, the HKSAR Government should consider establishing a review mechanism for the outcome of the productivity assessment, and the PWDs can have the right and channel to appeal against the outcome of the assessment.

43. Meanwhile, it is crucial to monitor its impact of MWO on PWDs in the labour market so that the HKSAR Government can formulate appropriate policies to further enhance their equal employment opportunity. At the present moment, there is no relevant data to monitor the impact of the MWO on the employment of PWDs. It is, therefore, essential to collect basic data on the employment profile of the PWDs before and after the implementation of the ordinance. The HKSAR Government should put in place an appropriate data collection system and disseminate key statistics relating to the employment of PWDs in the labour market on a regular basis.

Article 29 – Participation in political and public life

Full accessibility of the voting procedures, facilities and materials

44. Nobody should be deprived of the chance to exercise his voting rights due to the absence of accessible facilities for the election exercise. Section 36 of the DDO states that it is unlawful for the government to discriminate against a person with a disability in the performance of its functions or the exercise of its power.

45. The EOC is of the view that all qualified voters with a disability are entitled to equal access to the polling stations as their non-disabled counterparts, and it is the HKSAR Government’s responsibility to make all polling stations fully accessible. Despite the continued requests from the EOC, it still appears that some of the polling stations remained inaccessible to the persons with mobility disabilities. In the 2011 District Council Election, about 94% of the polling stations were accessible to persons with mobility difficulties, as compared to 82% in the 2008 Legislative Council (LegCo) Election and 57% in the 2004 LegCo Election. Nevertheless, we

urge the HKSAR Government to take appropriate measures to further improve the accessibility of polling stations in Hong Kong and make sure that PWDs in Hong Kong would not be deprived of the right to cast votes due to inaccessible polling stations.

46. Meanwhile, representatives from a NGO for persons with visual impairment (PVI) have requested the HKSAR Government to put in place relevant measures to facilitate electors with visual impairments to exercise their voting rights independently. Apart from improving the accessibility of polling stations and providing election material as well as candidates information in Braille version to PVI, we urge the HKSAR Government to upload the accessible information in relation to the elections on its website for PVI's reference.

Article 30 – Participation in cultural life, recreation, leisure and sport

Wheelchair race in Standard Chartered Hong Kong Marathon 2012

47. It is noted that fewer than ten athletes participated in the 42 km wheelchair race and about thirty participants took part in the shorter race of the Hong Kong Marathon 2012 (the Marathon). The low participation rate of wheelchair athletes reflects the Government's lack of effort in promoting sports for PWDs. We, therefore, urge the HKSAR Government to take appropriate measures to encourage and promote the participation of PWDs in mainstreaming sporting activities at all levels.

Article 31 – Statistics and data collection

48. Regarding the statistics and data on PWDs, the Census and Statistics Department of the HKSAR Government had conducted surveys on PWDs and persons with chronic diseases. The latest round of survey was conducted in 2006-07 and the survey results were published in the Special Topic Report No. 48 – Persons with disabilities and chronic diseases which was released in December 2008. As the above survey was conducted several years ago, the HKSAR Government should conduct a new and timely survey to collect statistical and research data on PWDs, facilitate the formulation and implementation of policies and measures to give effect to

the Convention and address the barriers encountered by PWDs in exercising their rights.

Conclusion

49. To ensure faithful compliance with the requirements of the Convention, the HKSAR Government should as soon as possible mainstream the disability issues during the process of policy formulation and programme implementation in order to protect and promote the rights of PWDs.

50. Article 2 of the Convention stipulates that “Universal Design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. Different government bureaux and departments have taken individual actions in promoting Universal Design, but there is as yet a lack of a holistic and co-ordinated policy on the incorporation of Universal Design principles in the formulation and implementation of government projects and development plans. There is still much for the HKSAR Government to do to promote the adoption of Universal Design. In this connection, the HKSAR Government should formulate a co-ordinated and cross-sectoral approach to the Universal Design concept. Policies in relation to disability must be inclusive and should mainstream disability issues in all policy areas and incorporate the principles of Universal Design.

51. To demonstrate its commitment, the HKSAR Government should designate a high ranking official to oversee the gradual and full implementation of the Convention. This official must be senior enough to direct and coordinate the work of the relevant bureaux and departments in order to put in place proper standards and guidelines in relation to Universal Design as well as to mainstream disability items in all government policies and programmes.

52. The HKSAR Government should also work closely with the private sector in promoting the rights of PWDs. Through concerted efforts, we can ensure that the built environment, products as well as services in Hong Kong are usable by all people irrespective of their age and disabilities, to the greatest extent possible, without the need for adaptation or specialized design.

Equal Opportunities Commission
August 2012