INTRODUCTION

15.1 The primary objectives of rehabilitation are to ensure the full participation of people with disabilities and to provide them with equal opportunities. Apart from direct rehabilitation services, legislative measures which aim to protect the rights of people with disabilities and their carers and public education programmes which aim to promote community acceptance and understanding of people with disabilities are two very important areas conducive to meeting the objectives. This chapter mainly covers the legislative improvements for people with disabilities since last review of Rehabilitation Programme Plan (RPP) in 1994 and the major public education activities on rehabilitation and equal opportunities.

LEGISLATIVE MEASURES

15.2 Legislation is one of the effective measures to ensure that people with disabilities can enjoy the same rights and freedoms as other members of the community so that they can develop their potential and integrate into our community to the fullest extent possible. In line with the general principles of full integration and equal opportunities, legislative measures in Hong Kong are made and apply to all residents and other persons in Hong Kong, irrespective of whether they have disabilities or not. Nevertheless, certain specific legislative measures are required to meet the special needs of people with disabilities. A list of the major legislation that concerns people with disabilities is set out in Appendix 1.12. An introductory handbook on major legislation was published by the Health and Welfare Bureau in 1998.

15.3 The Administration has made substantial legislative improvements to enhance the legal protection available to people with disabilities. The development since the 1994 RPP Review is elaborated in the following paragraphs.

Buildings Ordinance (Cap. 123)

15.4 The Building (Planning) Regulations under the Buildings Ordinance prescribe design requirements so as to ensure that certain privately-owned buildings are accessible to people with disabilities, and that suitable facilities within the buildings are provided to meet their needs. The Building (Planning) Regulations were amended in 1997 to introduce design requirements to address the needs of people with visual or hearing impairments, higher standards for some of the old requirements and also other new design requirements which were mostly concerned with creating a safer environment for people with disabilities. Applications for exemptions from the regulations can be made to the Building Authority on grounds of special circumstances. The Building Authority will consider individual applications on their own merits and by taking into account the advice given by the Advisory Committee on Barrier Free Access which comprises members from government departments concerned and representatives of the physically handicapped, visually impaired and hearing impaired.
15.5 The Building (Planning) Regulations are supplemented by the Design Manual: Barrier Free Access 1997 (Design Manual 1997) which is an update of the Design Manual: Access for the Disabled 1984. The Design Manual 1997 sets out both mandatory and recommended design requirements for access, ramps, dropped kerbs, handrails, toilets, signs, etc. It applies to newly constructed or substantially altered private buildings. Though not bound by these legislative provisions, government buildings are also designed to meet the same requirements.

Mental Health Ordinance (Cap. 136)

15.6 The Mental Health Ordinance (MHO) sets out necessary legal safeguards for mentally disordered and mentally handicapped persons as well as their carers. Amongst other things, it provides for the reception, detention and treatment of mentally disordered persons in mental hospitals; the conditional discharge of patients with power of recall; and the establishment of a Mental Health Review Tribunal to review detention period and treatment of patients in mental hospitals and the Correctional Services Department’s psychiatric centre.

15.7 Amendments were made in 1996 to the Mental Health Regulations to prevent arbitrary interference in the privacy and freedom of patients in mental hospitals. Conditions under which medical superintendents can exercise powers to impose restrictions on the communication of patients in mental hospitals with outsiders are now clearly specified in the Regulations.

15.8 Subsequent to the completion of a major review of the MHO to identify areas for improvement, the MHO was revised through the enactment of the Mental Health (Amendment) Ordinance 1997 in June 1997. Major improvements include -

(a) re-defining the existing definition of “mental disorder” and providing a new definition of “mental handicap” to eliminate the misconception that mental disorder and mental handicap are the same;

(b) specifying more clearly the powers of the Court of First Instance in dealing with cases involving management of the property and affairs of mentally disordered and mentally handicapped persons who are not capable of so doing by reason of mental disorder or mental handicap;

(c) setting up an independent Guardianship Board to enforce new guardianship provisions for mentally disordered and mentally handicapped persons who are aged 18 years or above and conferring additional powers on guardians (for example, the power to give consent to medical or dental treatment on behalf of those mentally disordered or mentally handicapped adults who are incapable of giving consent); and

(d) specifying the procedures and circumstances under which a doctor or dentist can administer treatment without the guardian’s consent and the administration of special treatment with the Court of First Instance’s approval.

15.9 Since 1998, sterilisation has been included as a special treatment under the MHO. In addition, the Guardianship Board was set up on 1 February 1999.
**Criminal Procedure Ordinance (Cap. 221)**

15.10 In October 1993, the Chief Justice appointed the Working Party on Mentally Handicapped People Giving Evidence in Court. The Working Party published an interim report and a final report in early 1994 with a total of 17 recommendations with a view to reducing the possible trauma that mentally disordered and mentally handicapped persons may undergo when giving evidence in criminal trials. All these recommendations have been implemented including those requiring legislative amendments.

15.11 The Criminal Procedure Ordinance (CPO) was amended in 1995 to provide that mentally disordered and mentally handicapped persons can give evidence by way of a live television link or a video recording. The amendments were effected in February 1996 upon the installation of a live television video links system.

15.12 Amendments were also made to the CPO and MHO in 1996 to provide courts and magistrates with additional disposal options, apart from hospital orders for detention in mental hospitals, for accused people who are found not guilty by reason of insanity, or who are found to be under disability and unfit to be tried in criminal proceedings. These additional disposal options include guardianship orders, supervision and treatment orders and absolute discharge. The new provision came into effect in November 1996.

**Disability Discrimination Ordinance (Cap. 487)**

15.13 The Disability Discrimination Ordinance (DDO) was enacted in 1995 and brought into full effect in December 1996. It seeks to ensure equal opportunities for people with disabilities so as to facilitate their integration into the community to the fullest extent possible.

15.14 Under the DDO, it is unlawful to discriminate against or harass people with disabilities and their associates in the following areas -

(a) employment matters ranging from recruitment to in-service matters;
(b) membership of trade unions, qualifying bodies, clubs and access to partnerships;
(c) education;
(d) access to premises;
(e) provision of goods, services and facilities;
(f) disposal and management of premises;
(g) sporting activities; and
(h) exercise of government powers and performance of its functions.

It is also unlawful to incite, by any activity in public, hatred towards, serious contempt for or severe ridicule of, people with disabilities or their associates under the DDO.

15.15 The DDO is implemented and enforced by the Equal Opportunities Commission (EOC) which has been in operation since September 1996. The EOC is an independent statutory body also responsible for the implementation and enforcement of two other anti-discrimination ordinances in respect of sex and family status.
15.16 The EOC has issued a number of materials relating to the DDO including -
(a) a Code of Practice on Employment under the DDO to provide guidance on the 
procedures and systems which can help prevent disability discrimination, 
harassment, vilification and victimisation in employment;
(b) a Guideline for Taxi Services which lists out points that need to be observed 
by taxi drivers and passengers with disabilities so as to help eliminate 
unlawful discriminatory acts occurring in the course of the provision of taxi 
services;
(c) a series of eight leaflets entitled “DDO & I” on the rights of people with 
different types of disability; and
(d) seven leaflets of the Good Management Practice Series for employers’ and 
employees’ information.

The EOC is preparing a Code of Practice on Education under the DDO which will be issued 
in 2000.

15.17 The EOC provides assistance to people with disabilities who have experienced 
discrimination, harassment, vilification or victimisation through its complaint handling 
mechanism. A person may lodge a complaint to the EOC which will then investigate the 
complaint and encourage conciliation between the parties in dispute. If the complaint 
cannot be resolved, the EOC may also provide, on application, other forms of assistance 
including legal advice or legal assistance in proceedings should the aggrieved person decide 
to take his/her case to court. The EOC will consider issuing and providing assistance to 
other parties in issuing additional codes of practice and guidelines to ensure equal 
opportunities for people with disabilities.

15.18 The EOC conducted a review on the provisions of the DDO and made 
recommendations on improvement areas in the light of its operational experience. 
Recommendations were submitted to the Administration for consideration in February 1999.

**Enduring Powers Of Attorney Ordinance (Cap. 501)**

15.19 The Enduring Powers of Attorney Ordinance, which was enacted and brought 
into effect in 1997, provides for the creation of a special type of power of attorney known as 
enduring power of attorney (EPA). Unlike an ordinary power of attorney, an EPA is not 
revoked by reason of the mental incapacity of the donor of the power subsequent to its 
creation. The EPA arrangement is a relatively simple, effective and inexpensive mechanism 
to manage the property and financial affairs of a person who might become mentally 
incapacitated, thus avoiding the more complicated procedures in the appointment of a 
committee of estate by the Court of First Instance.

**PUBLIC EDUCATION**

15.20 Apart from legislative measures, general public acceptance of people with 
disabilities is essential for meeting the objectives of equal opportunities and full participation. 
Public education is considered to be the best way to promote community acceptance and 
understanding of people with disabilities. This in turn will help integrate these people into
the community. A wide range of public education activities is launched each year by the governmental and non-governmental sectors including:

(a) publicity on rehabilitation conducted by the Information Services Department and Social Welfare Department;
(b) public education programme on rehabilitation co-ordinated by the Subcommittee on Public Education on Rehabilitation (SCPE) of the Rehabilitation Advisory Committee (RAC);
(c) public education on equal opportunities conducted by the Committee on the Promotion of Civic Education and EOC; and
(d) other public education programmes conducted by non-governmental organisations (NGOs).

Publicity on Rehabilitation

15.21 The Information Services Department plans and mounts major publicity campaigns and promotional programmes to arouse interest in and educate the public on major issues of concern and to enhance general awareness of civic responsibilities. Resources were secured for launching major publicity campaigns on rehabilitation between 1994-95 and 1998-99, except for 1997-98. The overall objective was to provide a comprehensive public education and information programme that would instil into the public the rights and needs of people with disabilities and the contributions these people could make to society. The main themes included acceptance of ex-mentally ill persons, acceptance of mentally handicapped persons, better understanding of people with visceral disabilities and employment of people with disabilities. Some $3.5 million was allocated for these publicity campaigns on rehabilitation over the years.

15.22 To promote public awareness of what and where rehabilitation services are available for people with disabilities, including disabled pre-schoolers and their relatives, the Social Welfare Department has employed various means of publicity such as the mass media, information leaflets, briefing sessions and close liaison with professional bodies. In 1998, a set of leaflets on rehabilitation services under the purview of the Social Welfare Department was issued for distribution. The Social Welfare Department will continue its efforts in publicising rehabilitation services through various channels.

Public Education Programme on Rehabilitation

15.23 For better co-ordination of public education activities, the SCPE was set up under the RAC in January 1996 to take over the responsibilities of the former Committee on Public Education on Rehabilitation. The SCPE is responsible for planning and determining the main theme and objectives of the annual public education programme on rehabilitation. It also screens and recommends the amount of government subsidy for each project under the programme formulated by governmental departments, public bodies and NGOs. The major projects that have been supported by the SCPE include:

(a) Mental Health Month and related district activities jointly organised by the Health and Welfare Bureau, Hospital Authority and NGOs;
(b) central programme of the International Day of Disabled Persons organised by the Joint Council for the Physically and Mentally Disabled (Rehabilitation Division, the Hong Kong Council of Social Service) and district celebration programmes organised through the District Boards;

c) television drama produced by the Radio Television Hong Kong;

d) activities to enhance students’ understanding of people with disabilities conducted by the Education Department;

e) activities to promote open employment of people with disabilities conducted by the Labour Department;

(f) public education at district and headquarters levels launched by the Home Affairs Department and Social Welfare Department; and

g) projects meeting the theme of the year launched by NGOs.

Between 1993-94 and 1997-98, a total of $43.6 million was spent for the public education programmes on rehabilitation (including some $3.5 million for publicity campaigns as provided in paragraph 15.21 above), of which about $17.4 million was contributions from the Hong Kong Jockey Club and the Queen Elizabeth Foundation for the Mentally Handicapped.

15.24 As an evaluation of the effectiveness of the public education programme on rehabilitation hitherto attained as a whole, the Chinese University of Hong Kong was commissioned by the SCPE to conduct a benchmark study in 1994 and three follow-up studies in 1995, 1996 and 1998 on “Public Attitudes towards Handicapped Persons in Hong Kong”. The findings of the studies revealed that the public education programmes in previous years had achieved some positive attitudinal and perception changes towards persons with mental handicap or disorder.

15.25 In the light of the above, a new phase of public education programme was launched in 1998-99 with focus on strengthening able-bodied people’s personal interaction with disabled persons rather than changing public perceptions towards people with disabilities only. It was implemented with emphasis on family and youth so as to develop a culture of readily accepting, caring and employing people with disabilities. An additional provision of $8 million was secured from the Government for implementing this new phase of public education programme in 1998-99 and 1999-2000.

Public Education on Equal Opportunities

15.26 The Committee on the Promotion of Civic Education was set up by the Government in 1986 to promote civic awareness and responsibility in the community. From 1995-96 to 1997-98, it was granted an extra $20 million to expand its educational programmes on equal opportunities and human rights. Apart from launching public education programme, it provided sponsorship to NGOs for civic education projects under the Community Participation Scheme.

15.27 Since its establishment in 1996, the EOC, among other things, has worked on promoting general awareness and public understanding of equal opportunities. It has organised a number of public education and publicity programmes consisting of exhibitions, community roadshows, television and radio commercials, radio programmes, television docudrama, newsletters and other publications. It has also organised numerous talks and
seminars for government departments, major employers, NGOs and the general public. In collaboration with NGOs, it is developing training modules with a view to eliminating disability discrimination and cultivating a sense of equal opportunities. It also works closely with the Education Department to develop a special Education Television programme and bring puppet shows to primary schools to promote equal opportunities.

15.28 In addition, the EOC has launched a Community Participation Funding Programme on Equal Opportunities. The aim is to encourage community organisations to carry out projects in promoting equal opportunities and eliminating discrimination on the grounds of sex, marital status, pregnancy, family status and disability. The programme has been successful in involving different sectors of the community to join the EOC’s public education efforts.

Other Public Education Programmes

15.29 The Hong Kong Council of Social Service is entrusted with a grant from the Hong Kong Jockey Club through the Home Affairs Department for further allocation to its member agencies to organise summer youth programmes. Activities to promote public acceptance towards people with disabilities and integration of people with disabilities into the community, for examples, enhancing mutual understanding among young people with and without disabilities, organising disabled persons to serve the community, etc., are organised by NGOs.

ISSUES OF CONCERN

15.30 The Review Committee is pleased to note that the intensive public education programmes on rehabilitation conducted since 1993-94 have achieved positive results. All parties concerned are urged to maintain the momentum and to consolidate the achievements through their future public education activities.