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Code of Practice on Education
Disability Discrimination Ordinance
Equal Opportunities Commission

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Basic concepts

Impairment - Any loss or abnormality of psychological, physiological, or anatomical structure or function

Disability - Any restriction or lack of ability to perform an activity in the manner or within the range considered normal for a human being

Handicap - A <disadvantage> for a given individual, resulting from an impairment or disability, that limits or prevents the fulfillment of a role that is normal, <depending on age, sex, social and cultural factors>, for that individual

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Equal Learning Opportunities

1997: The Education Department launched a 2 year pilot project

A whole school approach to integrate children with special educational needs into ordinary schools

2001: The EOC issued the Code of Practice (CoP) on Education

The CoP on Education under the Disability Discrimination Ordinance came into effect to facilitate inclusion in schools

2012: The EOC Research Project

A Study on Equal Learning Opportunities for Students with Disabilities under the Integrated Education System

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Tables: Number of Students with Disabilities

In mainstream schools

	Primary schools	Secondary schools
2011-2012 school year	15940	12690
2012-2013 school year	16810	14580
2013-2014 school year	17390	16440

In special schools

	Primary schools	Secondary schools
2008-2009 school year	3226	4678
2012-2013 school year	3198	4748
2013-2014 school year	3226	4678

Source: Education Bureau, Examination of Estimates of Expenditure 2014-2015

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Table: Number of Students with SEN pursuing full-time locally accredited sub-degree & undergraduate degree programmes (2014-15 academic year)

Types of SEN	Publicity-funded	Non-publicity-funded	Total	Publicity-funded	Non-publicity-funded	Total
Specific learning difficulties	73	48	121	23	13	36
Intellectual disabilities	0	0	0	0	0	0
Autism spectrum disorder	26	14	40	8	7	15
Attention deficit/ hyperactivity disorder	8	25	33	10	9	19
Physical disability	19	44	63	41	18	59
Visual impairment	4	24	28	36	17	53
Hearing impairment	23	42	65	82	37	119
Speech and language impairment	10	6	16	5	6	11
Others (note 4)	43	55	98	98	47	145
Total	206	258	464	303	154	457

Note 4: Including students with multiple types of disabilities

Source: LCQ20: Support received on campus by tertiary students with special educational needs

Note: 1. The number of SEN students pursuing UGC-funded programmes is a provisional figure.

2. The number of SEN students is based on information as declared by individual students.

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Code of Practice (CoP)

Effective date : 6 July 2001

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Aims

- A. Prevent and eliminate discrimination
- B. Provide practical guidelines
- C. Explain rights and responsibilities

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Application

- A. Educational establishments
- B. School heads, teachers, and other staff
- C. Related professionals
 - Students
 - Government

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Definition of Disability

- A. total or partial loss of bodily or mental functions
- B. total or partial loss of a part of the body
- C. presence in the body of organisms causing, or capable of causing, disease or illness
- D. malfunction, malformation or disfigurement of a part of the body
- E. a disorder or malfunction that results in the person learning differently
- F. a disorder, illness or disease that affects thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour

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Disability Discrimination

- Direct
- Indirect
- Harassment
- Victimization
- Vilification
- Serious vilification

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Direct Discrimination

Treating a person less favourably on the ground of the person's disability

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Indirect Discrimination

- Applying same requirements or conditions
- Lesser proportion of PWDs can comply
- To PWDs' detriment

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Disability Harassment

- On the ground of disability
- Engage in unwelcome conduct
- Offended, humiliated or intimidated
- Reasonable person test

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Vilification

Activity in public

- Incite hatred towards / Serious contempt for / Severe ridicule of
- PWDs

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Serious Vilification

- Intentionally
 - Threatening physical harm or inciting others to threaten physical harm
- Penalty : \$50001 - 100000 and imprisonment for 2 years

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Victimization

Treats the person victimized less favourably because he/she:

- brought proceedings
- given evidence or information
- otherwise done anything under or by reference to the DDO
- alleged that someone has committed an act which (whether or not the allegation so states) would amount to a contravention of the DDO

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Disability Discrimination in Education

- Refusing admission
- In the terms and conditions on which it is prepared to admit that person as a student
- Denying or limiting access to any benefit, service or facility provided
- Expelling
- Any other detriment

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Practical Guidelines

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School Policy

- Add a DDO angle
- Promote the policy
- Conduct regular reviews
- Consult relevant stakeholders

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General consideration

- Reasonable accommodation
- Unjustifiable hardship
- Practical steps

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Areas requiring special attention

- Admission
- Recruitment
- Selection criteria
- Selection procedures
- Curriculum
- Access to premises

- Providing goods, services and facilities
- Assessment
- Discipline
- Request for information and confidentiality
- Staff development

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The end