

# Code of Practice on Education Disability Discrimination Ordinance



Equal Opportunities Commission

# Basic concepts

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**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

# 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 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

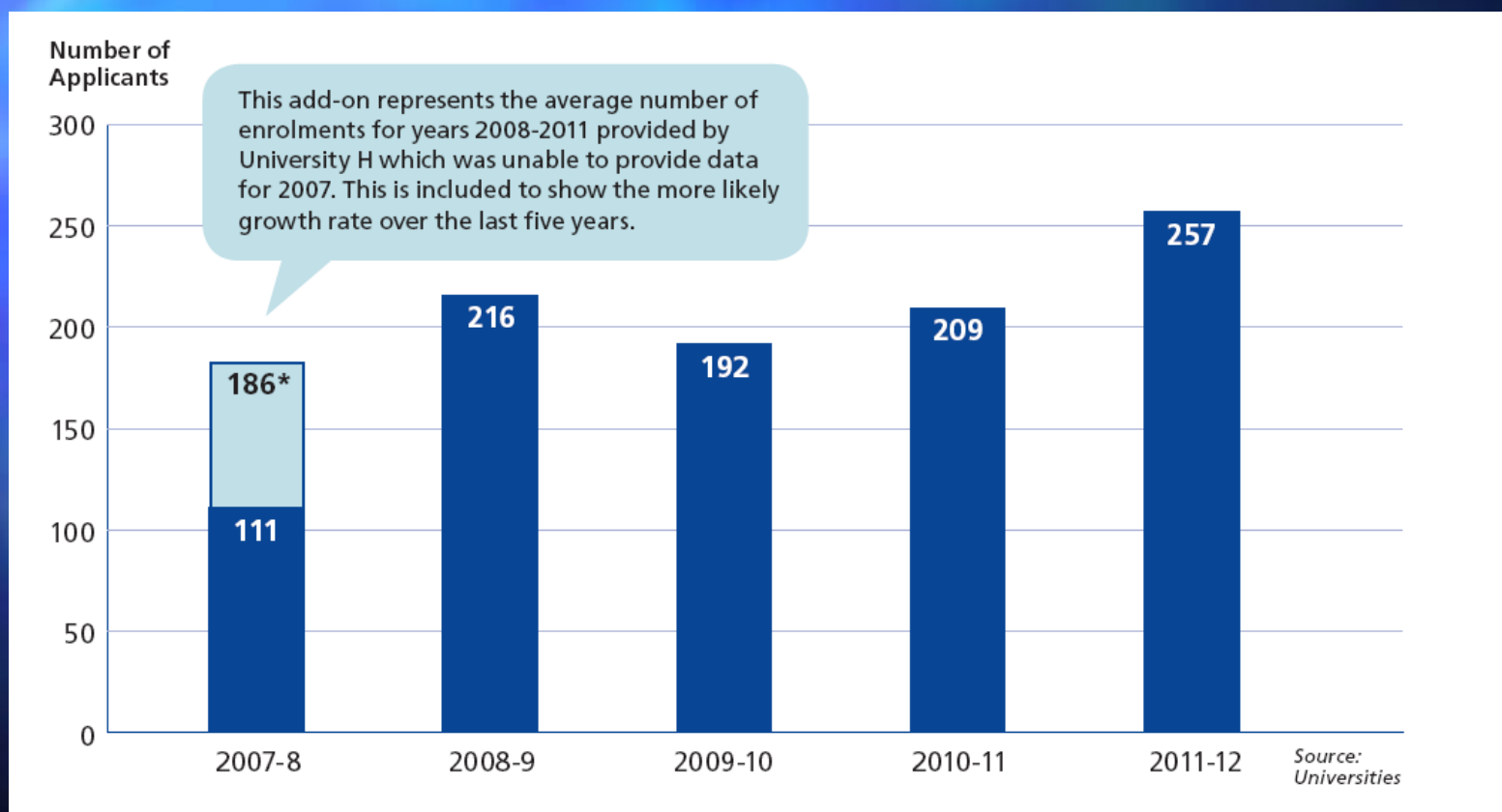
# Number of Students with Disabilities

MAINSTREAM SCHOOLS	Primary schools	Secondary schools
2009-2010 school yr	13,720	8,000
2010-2011 school yr	15,370	10,270
2011-2012 school yr	15,940	12,690

SPECIAL SCHOOLS	Total
2009-2010 school yr	6442
2010-2011 school yr	6674
2011-2012 school yr	6821

Source: Education Bureau, Examination of Estimates of Expenditure 2012-2013

# Number of Newly Enrolled Students with Declared Disabilities in UGC-funded Universities



# Percentage of Students with Declared Disabilities in Universities (HK/UK/Australia)

	Students with declared disabilities	Total number of new students	%
<b>HK</b> (2011)	257	75,435	0.34%
<b>UK</b> (2010-11)	27,756	424,634	6.54%
<b>Australia</b> (2010-11)	9,120	218,379	4.18%

*Source: Survey on How Hong Kong's Universities Recruit, Admit and Support Students with Disabilities, Louisa Mitchell, March 2012*

# Code of Practice (CoP)

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- Effective date : 6 July 2001

# Aims

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- Prevent and eliminate discrimination
- Provide practical guidelines
- Explain rights and responsibilities



# Application

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- Educational establishments
- School heads, teachers, and other staff
- Related professionals
- Students
- Government

# Definition of Disability

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

# Disability Discrimination

**Direct**

**Indirect**

**Harassment**



**Victimization**

**Vilification**

**Serious  
vilification**

# Direct Discrimination

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

# Indirect Discrimination

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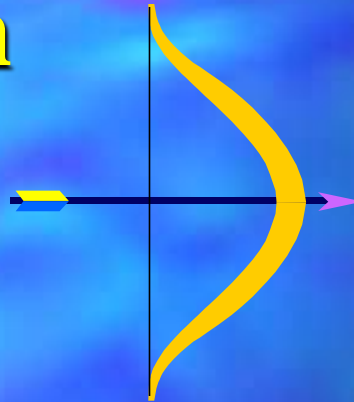
- Applying same requirements or conditions
- Lesser proportion of PWDs can comply
- To PWDs' detriment

# Disability Harassment

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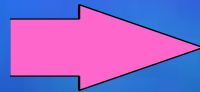
- On the ground of disability
- Engage in unwelcome conduct
- Offended, humiliated or intimidated
- Reasonable person test

# Vilification



Incite hatred towards

Activity in  
public



Serious contempt for



PWDs

Severe ridicule of

# Serious Vilification



- Intentionally
- Threatening physical harm or inciting others to threaten physical harm

**Penalty : \$50,001 - 100,000 and imprisonment for 2 years**



# Victimization

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Treats the person victimised 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

# Disability Discrimination in Education

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- 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

# Practical Guidelines



# School Policy

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

# General Considerations

**Reasonable accommodation**

**Unjustifiable hardship**

**Practical steps**



# Areas requiring special attention

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- Admission
- Recruitment
- Selection criteria
- Selection procedures
- Curriculum
- Access to premises
- Providing goods, services and facilities
- Assessment
- Discipline
- Request for information and confidentiality
- Staff development

