

## Slide 1

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
2009-2010 school year	13720	8000
2010-2011 school year	15370	10270
2011-2012 school year	15940	12690

## In special schools

	Total
2009-2010 school year	6442
2010-2011 school year	6674
2011-2012 school year	6821

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

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[Chart: Number of Newly Enrolled Students with Declared Disabilities in UGC-funded Universities]  
Showing in a bar chart

2007-8: 297 (with 186 of them represents the average number of enrolments for years 2008-2011 provided by University H which was unable to provide data for 2007. This is included to show the more likely growth rate over the last five years.)

2008-9: 216; 2009-10: 192; 2010-11: 209; 2011-12: 257

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

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

	Students with declared disabilities	Total number of new students	percentage
HK [2011]	257	75435	0.34%
UK [2010-11]	27756	424634	6.54%
Australia [2010-11]	9120	218379	4.18%

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

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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