

EQUAL ACCESS TO JUSTICE FOR PERSONS WHO ARE DEAF AND HARD OF HEARING

A Guide for Persons with Disabilities, Legal Practitioners,
and Parties Involved in the Judicial Process



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Equal Opportunities Commission

Tel.: (852) 2511 8211

Fax: (852) 2511 8142

Website: www.eoc.org.hk

Address: 16/F., 41 Heung Yip Road, Wong Chuk Hang, Hong Kong

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Mr CHAN Hei Lung	General Secretary, Rehabilitation Alliance Hong Kong
Ms Timmy CHAN	Court Sign Language Interpreter, Hong Kong Association of the Deaf
Mr Brian CHEUNG	Director, The Hong Kong Society for the Deaf
Mr CHONG Yiu Kwong	Senior Lecturer, Department of Education Policy and Leadership, The Education University of Hong Kong
Mr LAM Ken Chung, Simon	Deputy Convener, Policy, Research and Training Committee, EOC
Ms MAK Wai Wan	Centre-in-charge, Chinese YMCA of Hong Kong Y's Men's Centre for the Deaf
Mr SIU Yat Chan	Founder, Silence Limited
Prof SZE Yim Binh Felix	Deputy Director and Associate Professor, Centre for Sign Linguistics and Deaf Studies, The Chinese University of Hong Kong
Miss Josephine TSE	Freelance Sign Language Interpreter, WeSignHK & Court Sign Language Interpreter
Mr WANG Kai Fung	Executive Director, Hong Kong Sign Language Association & Court Sign Language Interpreter
Miss Fion WONG	Research Associate, Centre for Sign Linguistics and Deaf Studies, The Chinese University of Hong Kong
Mr Herman WONG	Sign Language Interpreter & Registered Social Worker, WeSignHK
Miss WU Lake Yan	Sign Language Interpreter
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2. Introduction: Objectives of the Guide

According to the Census and Statistics Department (C&SD), there were about 246,200 persons with hearing difficulty (with a prevalence rate of 3.3% among the total population) in Hong Kong in 2020.¹ The figure increased from 155,200 persons (with a prevalence rate of 2.2%) in 2013 and can only expect to further increase due to ageing population.^{2,3} In recent years, people who are deaf and hard of hearing (DHoH) were reportedly to have encountered barriers in Hong Kong at different stages of the complicated legal process due to misunderstanding or miscommunication. This is a significant issue identified in overseas jurisdictions as well.⁴ These incidents demonstrated an urgent and paramount need for improving the relevant legal procedures to secure the fundamental rights of persons with disabilities (PWDs).

According to the United Nations Human Rights Council, access to justice is a fundamental right per se.⁵ Such right is, indeed, enshrined in Article 13 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which has entered into force for the People's Republic of China, including the Hong Kong Special Administrative Region since August 2008:

*“States Parties shall ensure **effective access to justice for persons with disabilities on an equal basis with others**, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.” (emphasis added)*

¹ The C&SD has updated the definitions for selected types of disability in the 2020 round of the survey, which makes the figures not directly comparable with the ones in the previous surveys. The figure cited here is therefore based on the definition adopted in the 2013 round of survey for the sake of statistical comparison. See: Census and Statistics Department (2021). *Special Topics Report No.63: Persons with disabilities and chronic diseases (Appendix 4)*. Retrieved from https://www.censtatd.gov.hk/en/data/stat_report/product/B1130121/att/B11301632021XXXXB0100.pdf

² Census and Statistics Department (2014). *Special Topics Report No.62: Persons with disabilities and chronic diseases*. Retrieved from <https://www.statistics.gov.hk/pub/B11301622014XXXXB0100.pdf>.

³ According to the 2014 statistics report, 64.0% of people with hearing difficulty reported their main cause of disability was “old age” in 2013.

⁴ For example, the Australian Human Rights Commission issued a report in 2014 on the matter: https://humanrights.gov.au/sites/default/files/document/publication/2014_Equal_Before_the_Law.pdf

⁵ The United Nations Human Rights Council (2013). *Access to justice for children: Report of the United Nations High Commissioner for Human Rights*. Retrieved from https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-35_en.doc

While unconscious bias or discrimination against the DHoH persons could be one of the causes that barred them from fully and effectively participating in the judicial process, in many cases, it was mostly caused by the lack of appropriate accommodation measures during the court proceedings, or ineffective communication between the court and parties who are DHoH.

As a statutory body tasked with implementing the Disability Discrimination Ordinance (Cap. 487) (DDO) and eliminating disability discrimination in Hong Kong, the Equal Opportunities Commission (EOC) strongly believes that PWDs should enjoy equal rights before the law, and have effective access to justice. Therefore, in consultation with the local DHoH community, academics, sign language interpreters, and legal practitioners, as well as taking reference from international standards and local practices, the EOC prepares this Guide—*Equal Access to Justice for Persons who are Deaf and Hard of Hearing: A Guide for Persons with Disabilities, Legal Practitioners, and Parties Involved in the Judicial Process*. This is a reference document which provides some guiding principles for communicating with DHoH persons, as well as possible appropriate accommodation measures during different stages of legal proceedings under the civil and criminal justice systems of Hong Kong.

This Guide aims to serve as a practical tool and resource for both DHoH persons and legal practitioners—including solicitors, barristers, judges, judicial officers, legal aid officers, and court administrators—in order to facilitate communication between different parties in the judicial process and to achieve the ultimate goal of equal access to justice for all in the long run. ◆

3. The Legal Rights of Persons with Disabilities

3.1. Duties under the Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) has entered into force for the People’s Republic of China, including the Hong Kong Special Administrative Region since 31 August 2008.

It is worth noting that under Article 13 of the CRPD, States Parties not only have the duty to provide accommodation measures to ensure effective access to justice for PWDs, they also have the obligation to ensure all of their public officials in relation to the justice system have received appropriate training on the matter. For instance, training may include familiarising the officials with general principles for good communication with PWDs, as well as offering them sensitisation training held by non-government organisations (NGOs) for PWDs or Organisations of PWDs.⁶ The full Article 13 is listed as follows:⁷

“1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

“2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.”

In addition, Article 30(4) of the CRPD also provides that PWDs “shall be entitled, on an equal basis with others, to recognition and support of their specific cultural and linguistic identity, including sign languages and deaf culture”.⁸ Therefore, the diversity of PWDs, including their cultural and linguistic identities and preferences for the use of their languages or other linguistic or auxiliary assistance, shall be recognised and respected in the legal process.

⁶ The United Nations (2006). Convention on the Rights of Persons with Disabilities. *Treaty Series*, 2515, 3.

⁷ *Ibid.*

⁸ *Ibid.*

In March 2018, the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued a report detailing States Parties' duties for the implementation of Article 13 of the CRPD, as well as identifying some good practices and recommendations for achieving equal and effective access to justice by PWDs.⁹ The report identified access to justice as a “cross-cutting right” that, for example, should be interpreted in line with Articles 9 and 21—which recognise PWDs' rights to “accessibility” and “multiple means of communication and access to information”.¹⁰

The report also stated that the denial of PWD's access to justice is usually a result of lacking “accessibility of and access to information, procedural accommodations, the right to claim justice and stand trial, respect for the presumption of innocence and legal aid”.¹¹ In particular, a failure to provide procedural accommodation when required by a PWD may constitute disability discrimination.

Hence, this Guide will take into account the accommodation measures and practices raised in the OHCHR's report that are related to access to justice by DHoH persons, and elaborate and modify those that fit with the Hong Kong's context in [Chapter 5](#) and [Chapter 6](#) below.

3.2. Disability Discrimination Ordinance

As stated in the Preamble of the CRPD, disability is an “evolving concept”—it results from “the interaction between [PWDs] and attitudinal and environmental barriers that hinder full and effective participation of [PWDs] in society on an equal basis with others”.¹² Adopting the rights-based approach to disability and recognising the diversity of PWDs, the DDO of Hong Kong uses “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”.¹³

⁹ The United Nations Human Rights Council (2017). *Right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities: Report of the Office of the United Nations High Commissioner for Human Rights*. Retrieved from <https://undocs.org/A/HRC/37/25>

¹⁰ *Ibid.*, para. 15.

¹¹ *Ibid.*, para. 19.

¹² The United Nations (2006). *Convention on the Rights of Persons with Disabilities. Treaty Series, 2515, 3.*

¹³ Equal Opportunities Commission (2011). *Disability Discrimination Ordinance: Code of Practice on Employment (2011)*. Retrieved from https://www.eoc.org.hk/eoc/Upload/UserFiles/File/ddocop_e.pdf

The DDO's definition of disability includes not only physical disabilities, but also situations of a "total or partial loss of the person's bodily [...] functions" and "the malfunction [...] of a part of the person's body".¹⁴ Therefore, both deafness and hard of hearing, including a mild degree of hearing loss, is a form of disability covered by the DDO in Hong Kong.

According to Section 6 of the DDO, there are two forms of disability discrimination, namely direct discrimination and indirect discrimination:

- Direct disability discrimination occurs when, on the ground of disability, a PWD is treated less favourably than another person without a disability in similar circumstances.
- Indirect disability discrimination involves imposing a seemingly neutral condition or requirement on everyone, but such condition or requirement has a disproportionate adverse effect on PWDs and the application of such condition or requirement is not justified in the relevant circumstances.¹⁵

The DDO prohibits both direct and indirect discrimination against PWDs on the ground of their disability in various public domains, including access to premises and provision of goods, services and facilities. This means that people working in the judicial process, such as lawyers, court administrators and legal aid officers should not discriminate against PWDs when they provide their services. The failure to provide appropriate accommodations for PWDs to access their services without justification may amount to discrimination. The same also applies to discrimination arising from the use of auxiliary aids, interpreters, readers and assistants by PWDs.¹⁶

¹⁴ *Disability Discrimination Ordinance*, s 2.

¹⁵ Section 6 of the DDO provides that:

"A person discriminates against another person [...] if—

- (a) on the ground of that other person's disability he treats him less favourably than he treats or would treat a person without a disability;*
- (b) he applies to that other person a requirement or condition which he applies or would apply equally to a person without a disability but—*
 - (i) which is such that the proportion of persons with a disability who can comply with it is considerably smaller than the proportion of persons without a disability who can comply with it;*
 - (ii) which he cannot show to be justifiable irrespective of the disability or absence of the disability of the person to whom it is applied; and*
 - (iii) which is to that person's detriment because he cannot comply with it; or*
- (c) on the ground of the disability of an associate of that other person he treats him less favourably than he treats or would treat a person without such a disability."*

¹⁶ *Disability Discrimination Ordinance*, ss 9-10.

Article 85 of the Basic Law provides that “The courts of the Hong Kong Special Administrative Region shall exercise judicial power independently, free from any interference. Members of the judiciary shall be immune from legal action in the performance of their judicial functions”. The principle of judicial immunity and Article 85 of the Basic Law have been applied by the Hong Kong courts in the context of the DDO.¹⁷ Therefore, legal claims of unlawful disability discrimination against PWDs may not be applicable to members of the Judiciary, e.g. judges, insofar as their acts are done in the performance of judicial functions. Nevertheless, whether any acts restricting PWDs’ access to court services and premises are in fact exercised by a member of the Judiciary in the performance of judicial functions would need to be determined on a case-by-case basis. Moreover, solicitors, barristers and legal aid officers, who are not members of the Judiciary, remain liable for unlawful disability discrimination under the DDO in their provision of services.

3.3. *Basic Law and Bill of Rights Ordinance*

Apart from the DDO, Hong Kong’s constitutional document—the Basic Law—as well as the Hong Kong Bill of Rights Ordinance (Cap. 383) (an Ordinance which incorporates the International Covenant on Civil and Political Rights into domestic law), also protected PWDs’ fundamental rights of equal access to justice. Instead of drilling into details about the two legal documents, below is a non-exhaustive list of relevant extracted provisions that are closely related to the matter:

The Basic Law	
Article 25	All Hong Kong residents shall be equal before the law.
Article 35	Hong Kong residents shall have the right to confidential legal advice, access to the courts, choice of lawyers for timely protection of their lawful rights and interests or for representation in the courts, and to judicial remedies.

Section 8 of the Hong Kong Bill of Rights Ordinance	
Article 1(1)	Entitlement to rights without distinction The rights recognized in this Bill of Rights shall be enjoyed without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

¹⁷ See *T 對司法機構* [2018] HKDC 650

<p>Article 10</p>	<p>Equality before courts and right to fair and public hearing</p> <p>All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. [...]</p>
<p>Article 11(2)</p>	<p>Rights of persons charged with or convicted of criminal offence</p> <p>In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality—</p> <p>(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him; [...]</p> <p>(f) to have the free assistance of an interpreter if he cannot understand or speak the language used in court [.]</p>
<p>Article 13</p>	<p>Right to recognition as person before law</p> <p>Everyone shall have the right to recognition everywhere as a person before the law.</p>
<p>Article 22</p>	<p>Equality before and equal protection of law</p> <p>All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. ◆</p>

4. What is Deafness and Hard of Hearing?

4.1. How Should We Call a Person who is Deaf or Hard of Hearing (DHoH)?

Hearing loss, hearing impairments, hearing difficulty, hard of hearing and deaf are all different terms used to refer to reduced abilities in perceiving sounds. According to the World Health Organization (WHO), “Hard of hearing” refers to people with hearing loss ranging from mild to severe. People who are hard of hearing usually communicate through spoken language and can benefit from hearing aids, cochlear implants, and other assistive devices as well as captioning. Meanwhile, “Deaf” people mostly have profound hearing loss, which implies very little or no hearing. They often use sign language for communication.¹⁸

Having said that, persons who are deaf and hard of hearing (DHoH) may each have different preferences of how to identify themselves. Such identification may reflect the “degree to which they hear, the age of onset, or the community to which they belong”.¹⁹ For instance, while some may prefer the term “persons with a hearing impairment or hearing loss”, some others do not consider deafness to be “an impairment” and therefore prefer the term “deaf” or “Deaf (with a capital D, referring to the culturally Deaf community)”.

However, some dated and derogative terms like “deaf-mute” or “deaf and dumb” should always be avoided. Both are considered offensive as DHoH persons “use various methods of communication other than, or in addition to, using their voices”.²⁰

Using dated, insensitive or even offensive languages and terms, even unintentionally, would definitely shut the door to effective communication with PWDs before it even starts. [Appendix I](#) is a non-exhaustive list of words to use and avoid generally when identifying PWDs, which took reference from international guidelines

¹⁸ World Health Organization (n.d.) *Fact sheets: Deafness and hearing loss*. Retrieved from <https://www.who.int/news-room/fact-sheets/detail/deafness-and-hearing-loss>

¹⁹ Commission on Disability Rights, American Bar Association (n.d.). *Court Access for Individuals who are Deaf and Hard of Hearing: A Guide*. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-lr-intractv-accsb-rev022317.pdf>

²⁰ National Association of the Deaf. *Community and Culture – Frequently Asked Questions*. Retrieved from <https://www.nad.org/resources/american-sign-language/community-and-culture-frequently-asked-questions/#:~:text=Deaf%2DMute%20%E2%80%93%20Another%20offensive%20term,generally%20have%20functioning%20vocal%20chords>

and the local disability communities. Yet, when in doubt, one should always ask the individuals how they wish to identify themselves.

4.2. What are the Common Characteristics of DHoH Persons?

According to the latest Persons with Disabilities and Rehabilitation Programme Plan (RPP) issued by the Rehabilitation Advisory Committee (RAC) in 2020,²¹ hearing impairments can be classified as the following types using the WHO’s definition:

Degree of hearing impairment	Definition²²
Profound	Hearing loss greater than 81 dB
Severe	Hearing loss from 61 to 80dB
Moderate	Hearing loss from 41 to 60dB
Mild/ Slight	Hearing loss from 26 to 40dB

Below is a table indicating the decibels level of different types of sound.²³

Decibels	Types of sound
130	artillery fire at close proximity (threshold of pain)
120	amplified rock music; near a jet engine
100	electric saw
90	bus or truck interior
70	average street noise; loud telephone bell
60	normal conversation; business office
30	quiet lecture hall; bedroom
20	radio, television, or recording studio

While the situation of different DHoH persons may vary, below are some of the common characteristics a DHoH person may possess, according to the degree of their hearing loss.^{24,25}

²¹ Rehabilitation Advisory Committee (2020). *Persons with Disabilities and Rehabilitation Programme Plan (RPP)*. Retrieved from https://www.lwb.gov.hk/en/highlights/rpp/Final_RPP_Report_ENG.pdf

²² When determining the degree of impairment, a permanent hearing loss in the better ear is examined without the use of any hearing aids

²³ Britannica (n.d.). *The Decibel Scale*. Retrieved from <https://www.britannica.com/science/sound-physics/The-decibel-scale#ref527163>

²⁴ Education Bureau (2015). *How to Support Children with Hearing Impairment*. Retrieved from https://sense.edb.gov.hk/uploads/en/content/hj_e.pdf

²⁵ The content has been modified after consulting the local DHoH community.

Degree of hearing loss	Some common characteristics (may not be the same for everyone)
People with mild hearing loss	<ul style="list-style-type: none"> • Have difficulty perceiving faint sounds or a conversation in a noisy environment • A suitable distance from the sound source and a good listening environment can increase the ability to perceive sounds
People with moderate hearing loss	<ul style="list-style-type: none"> • Have difficulty completely perceiving a conversation held at a normal voice level or can hear people talk only within a short distance • With hearing aids and lip-reading (for those who use those devices or techniques), the effectiveness of communicating with others may be enhanced • May have difficulty understanding audiotapes or audio-visual information without subtitles • May have problems in verbal articulation if their speech development is hindered
People with severe/ profound hearing loss	<ul style="list-style-type: none"> • Can hear loud sounds only within a short distance • Usually find it very difficult to hear sounds and can sense the vibrations only • Usually have to use hearing aids, such as cochlear implants, or speechreading to communicate with others • Visual cues such as gestures and body language are helpful for comprehension of conversational speech • (For pre-lingual deafness) Speech may be difficult to follow

It should be noted that some DHoH persons may be able to hear sound with hearing aids, but have difficulties in comprehending the language. In some cases, a linguistic test conducted by a speech therapist or speech-language pathologist may be required to determine one's situation.

4.3. *The Diversity of DHoH Persons in Hong Kong*

DHoH persons are often treated as a homogenous group. They, in fact, have very diverse characteristics, capabilities and needs. This section of the Guide will thus have a deep dive into the C&SD statistics to provide an overview of the diverse community

of DHoH persons in Hong Kong, with a view to providing the appropriate accommodations for them in the judicial process.²⁶

The C&SD has updated the definitions for selected types of disability in the 2020 round of the survey, including the definition of hearing difficulty, following WHO's International Classification of Functioning, Disability and Health (ICF) framework.²⁷ Hence, it is worth noting that the statistics cited in the 2020's survey below are not directly comparable with the ones in the previous surveys and may deviate from the understanding of disability for some people.

Under the updated definition, there were 47,900 persons with hearing difficulty (prevalence rate of 0.6%) in Hong Kong in 2020.^{28,29} Among them, around three-fourths (74.8%) were in the age group of 70 years old or above. Also, the median age of all persons with hearing difficulty was 82—one of the highest among all types of disabilities—whereas the median age of all PWDs in Hong Kong was 65 in 2020.³⁰ These findings echoed WHO's statistics which found that “hearing impairment is the most common of sensory impairments and markedly increases with age” globally.³¹

Furthermore, the 2020's survey found that 35,500 persons (74.0%) with hearing difficulty also had at least one or more types of other selected disabilities. This indicated that when communicating with DHoH persons, one should not merely focus on their hearing capability, but should also consider the accommodation measures they may need in relation to their age and other types of disabilities, e.g. provision of a barrier-free environment for DHoH persons who also have physical disabilities, or

²⁶ Census and Statistics Department (2021). *Special Topics Report No.63: Persons with disabilities and chronic diseases*. Retrieved from https://www.censtatd.gov.hk/en/data/stat_report/product/B1130121/att/B11301632021XXXXB0100.pdf

²⁷ ICF was endorsed at the World Health Assembly organised by the WHO held on 22 May 2001. It conceptualises a person's level of functioning as a dynamic interaction between his/her health conditions, environmental factors, and personal factors. Functioning, disability and health-related components from the perspective of the body, the individual and the society are classified into two basic lists: (i) Body functions and Structures; and (ii) Activities and Participation.

²⁸ If we use the definition adopted in the 2013 round of survey (such as the one cited in the Introduction), it was estimated that there were 246,200 persons with hearing difficulty (with a prevalence rate of 3.3% among the total population) in Hong Kong in 2020.

²⁹ Census and Statistics Department (2021). *Special Topics Report No.63: Persons with disabilities and chronic diseases*. Retrieved from https://www.censtatd.gov.hk/en/data/stat_report/product/B1130121/att/B11301632021XXXXB0100.pdf. Chart 5.1.

³⁰ *Ibid.* Table 5.1b.

³¹ World Health Organization (2011). *World Report on Disability*. Retrieved from <https://apps.who.int/iris/rest/bitstreams/53067/retrieve>

preparing information in easy-to-read versions for those who have special learning difficulties or intellectual disabilities, etc.

On the statistics of using auxiliary aids and services, the 2020's survey found that a majority of DHoH persons under the ICF definition did not use a hearing aid or cochlear implant. For instance, 24% of people with a lot of difficulty in hearing reportedly used hearing aids or cochlear implants, while only 9.3% of people who cannot hear at all said they used such devices.³² Such figures indicated that one should never assume all DHoH persons are users of hearing aids or cochlear implants, and thus it is always important to provide other accommodation measures listed in this Guide for the community.

Lastly, while sign language can be an effective way to communicate with DHoH persons, only a small fraction of persons with hearing difficulty (3,000, 6.3%) reported that they use sign language in their usual communication.³³ Also, the number varies a lot depending on the age of the persons with hearing difficulty. For instance, the proportion of persons with hearing difficulty who used sign language in usual communication for the age group of 40-49 and 50-59 were 35.1% and 21.3% respectively, but only 2.5% of those who were at the age of 70 or above.³⁴

All the above statistics highlighted the heterogeneity and diversity of DHoH persons in Hong Kong. Hence, one should not come with a preconceived notion that there is a “one-size-fits-all” method while communicating with DHoH persons—e.g. many people mistakenly think that hiring a sign language interpreter could be sufficient to eliminate all the communication barriers and obstacles once and for all. Besides, the needs of DHoH persons are not necessarily determined only by their level of hearing loss, but also the diverse cultural and linguistic identities amongst them. For instance, there are different forms of sign variants which may not be mutually intelligible.

Therefore, it is imperative to always ask about the needs of and identify the appropriate accommodation measures for each and every individual DHoH person. The next section of this Guide will, thus, go into details about some general principles and methods to effectively communicate with DHoH persons. ◆

³² Census and Statistics Department (2021). *Special Topics Report No.63: Persons with disabilities and chronic diseases*. Retrieved from https://www.censtatd.gov.hk/en/data/stat_report/product/B1130121/att/B11301632021XXXXB0100.pdf. Table 6.1c.

³³ *Ibid.* Table 6.3b.

³⁴ *Ibid.* Table 6.3b.

5. How to Effectively Communicate with DHoH Persons?

5.1. Tips and General Principles for Good Communication

As explained in the previous chapter, hearing loss is unique to each person and the degree of hearing loss varies. Also, while some DHoH persons know and use sign language or lip-reading, some others may not use those means to communicate. Having said that, there are some general tips and principles—adapted and modified from different international resources³⁵—while communicating with DHoH persons and the sign language interpreters involved:

Before you speak:

- **Lighting:** Make sure you are in a well-lit area and the DHoH persons can see your face clearly.
- **Noise:** Find a quiet area, turn off or move away from any background noise, especially if the person is using a hearing aid. Some slight noise, such as paper-flipping and wind-blowing, can be very distracting for some DHoH people who use hearing aids.
- **Attention:** Always attract the attention of the persons before speaking. You may gently wave your hand in front of them.
- **Visual:** Face the DHoH persons and keep good eye contact. Address the persons directly, not the interpreter, lip speaker, or speech-to-text reporter. Remove any obstacles between you and the individual to provide a clear sight line.
- **Distance:** Keep a short distance, say one to two metres, from the persons. It is the optimum distance for lip-reading and the use of hearing aids.

³⁵ Commission on Disability Rights, American Bar Association (n.d.). *Court Access for Individuals who are Deaf and Hard of Hearing: A Guide*. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-lr-intractv-accsb-rev022317.pdf>;

UK Judicial College (2018). *Equal Treatment Bench Book*. Retrieved from <https://www.judiciary.uk/wp-content/uploads/2020/05/ETBB-February-2018-amended-March-2020-17.09.20-1.pdf>;

Hearing Dogs for Deaf People (n.d.) *7 top tips for communicating with deaf people*. Retrieved from <https://www.hearingdogs.org.uk/blog/communicating-with-deaf-person-tips2/>;

Cleveland Hearing & Speech Center (2018). *12 Tips for Communicating with a Deaf Person*. Retrieved from <https://blog.chsc.org/blog/12-tips-for-communicating-with-a-deaf-person>

When you are speaking:

- **Use a natural and normal speaking pattern.** Do not shout, mumble, or exaggerate—it distorts your lips patterns and looks angry. Do not shout at the side of the DHoH persons with hearing aids.
- **Avoid complex terms and languages,** such as double negative statements.
- **Use complete and coherent phrases** rather than short phrases. They are easier for both DHoH persons and sign language interpreters to understand.
- **Keep your mouth clear.** Do not put your hands in front of your face.
- **Take turns to talk** if there is more than one person in a conversation.
- **Repeat and rephrase** if necessary. Be clear and precise when giving instructions, and adjust the language or paraphrase when necessary. Do not hesitate to clarify if you have been misunderstood.
- **Allow time** for the person to process what is being said.
- **Use a transparent/clear face mask** if face masks have to be worn due to public health reasons. A face mask with a transparent or clear window can help DHoH persons to read lips and see facial cues and expressions.³⁶ If possible, always opt for a mask that has a large transparent window and does not build up excess moisture.

Methods other than speech:

- Always ask if the person needs any **auxiliary aids or services**, such as sign language interpretation or others means listed in [Chapter 5.2](#).
- If necessary, ask if another method of communicating would be easier, for example, **a pen and paper or typing with a mobile device**.
- If needed, use pictures, visual aids and gestures to aid the communication.
- If possible, provide **written documents or instructions** to the persons before the conversations begin, especially those with complex information like a contract or rules of the court.

³⁶ South China Morning Post (2020). *Transparent face masks help the deaf read lips and faces amid Covid-19, and help their teachers. They just need to be cheaper.* Retrieved from <https://www.scmp.com/lifestyle/health-wellness/article/3098754/transparent-face-masks-help-deaf-read-lips-and-faces-amid>; UNRIC (n.d.) *Transparent masks aid communication for hard of hearing.* Retrieved from <https://www.un.org/en/coronavirus/transparent-masks-aid-communication-hard-hearing>

5.2. Common Auxiliary Aids and Services for Communication with DHoH Persons

As mentioned in [Chapter 4.3](#), it is crucial to bear in mind the diversity of the DHoH community and there is no “one-size-fits-all” method while communicating with DHoH persons. It is, therefore, recommended that all public institutions in the justice system—such as courtrooms, legal aid offices, and police stations—should equip themselves with as many and various forms of auxiliary services and technologies as possible, in order to meet the needs of different DHoH persons.

As a rule of thumb, before offering any auxiliary aids and services, it is imperative to always ask about the needs of and identify the appropriate accommodation measures for each and every individual DHoH person.

Below are some common auxiliary aids and services, as well as some points to note, one can utilise to communicate with DHoH persons. Those aids and services include but are not limited to:

- (i) sign language interpretation;
- (ii) assistive listening devices;
- (iii) speech-to-text reporter; and
- (iv) lip-speaker/oral transliterator.

Sign language interpretation:

- **What is sign language?**
 - Sign language is a visual-gestural language that conveys meaning by simultaneously combining shape, orientation, location and movement of the hands, arms and/or body, and facial expressions.³⁷
 - There is no universal sign language in the world. In Hong Kong, people of different age and education background may use different sign language variants—such as “natural sign language”, “pidgin sign language”, and “sim-com”. Mixed use of different forms of signing variants is common in the daily life of DHoH persons.³⁸

³⁷ Commission on Disability Rights, American Bar Association (n.d.). *Court Access for Individuals who are Deaf and Hard of Hearing: A Guide*. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-lr-intractv-accsb-rev022317.pdf>

³⁸ 獨立手語譯者 (n.d.). 聾翻譯是甚麼? Retrieved from <https://web.archive.org/web/20210123143120/https://www.wesignhk.com/blank-10>

- **Do all DHoH persons know how to use sign language?**
 - As mentioned in [Chapter 4.3](#), there is only a small fraction of DHoH persons (6.3%) reported that they knew how to use sign language in Hong Kong.
 - Therefore, one must not assume that sign language interpretation is the only possible and sufficient accommodation measure needed by all DHoH persons.
 - A combination of support services, such as sign language interpretation with live-captioning, is often required for effective communication.
 - Prior to the start of any judicial procedures, adequate time must be provided to understand the language preference of the DHoH person. If the DHoH person prefers using sign language, it is necessary to also ensure that the sign language interpreter knows the form or variant of sign language used by the person concerned and can effectively communicate with that particular person.

- **Where to find sign language interpreters?**
 - In June 2016, the RAC and the Hong Kong Council of Social Service (HKCSS) released a *List of Sign Language Interpreters in Hong Kong*.³⁹ The list contains information about sign language interpreters in Hong Kong, such as their professional qualification, work experience and means of contact.
 - As interpreters may have different areas of expertise, one should always ensure that the interpreter being hired possesses interpreting skills for that particular occasion or subject matter by reviewing their qualifications and checking if the interpreter is familiar with the setting and discourse. For instance, in court proceedings that involve the use of ample technical and legal terms, the court administrator should make every endeavour to engage an interpreter who possesses the relevant legal interpreting skills and experiences.

- **Anything else?**
 - As some sign language interpreters may not be trained to interpret all the languages that are being used in a court hearing (e.g.

³⁹ See the latest version updated in 2021:
[https://www.hkcss.org.hk/upload/reh/SL%20Interpreter%20List_Full%20\(20210521\).pdf](https://www.hkcss.org.hk/upload/reh/SL%20Interpreter%20List_Full%20(20210521).pdf)

Cantonese, English, and Mandarin), the court may therefore need to engage language interpreters to translate the hearing into the appropriate language for the sign language interpreters, before the latter communicate with the DHoH persons.

- Team interpretation involving more than one sign language interpreter may benefit the communication. In some cases, one may also involve a deaf interpreter in the team—who is often a native signer and able to comprehend gestures and sign variants better—to act as a bridge between the DHoH person and the courtroom, especially if the DHoH person has low sign language proficiency.

Assistive Listening Devices (ALDs):

- **What are ALDs?**
 - ALDs are devices which amplify and clarify sounds and reduce background noise for the listener, through the use of microphones, transmitters, receivers and headsets.⁴⁰ They are mainly designed for persons who have some residual hearing, such as persons with mild or moderate hearing impairments.
- **Are there more than one type of ALDs?**
 - There are different types of ALDs on the market. The most common ALDs are frequency modulated (FM) systems, infrared systems and induction loops. Each individual DHoH person may prefer to use different types of ALDs, depending on which devices he/she is accustomed to, or the system's compatibility with his/her hearing aid. For example, the induction loop system (also known as T-coil) is only compatible with particular hearing aids or cochlear implants (those are equipped with a T-coil).
- **Point to note while using ALDs:**
 - Before the start of any formal procedures in the judicial process, one must ensure that the ALDs used by the DHoH persons are compatible with the ALD systems used in the courtroom and functioning without glitches or interfering signals (which can occur

⁴⁰ Commission on Disability Rights, American Bar Association (n.d.). *Court Access for Individuals who are Deaf and Hard of Hearing: A Guide*. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-lr-intracvtv-accsb-rev022317.pdf>

if adjacent rooms are using the FM systems or induction loops at the same time).

- **Symbols and signs of ALDs:**
 - Below are symbols that public institutions should display at receptions and public areas to inform DHoH persons that they are equipped with the corresponding ALD systems:



*International Symbol of
Access for Hearing Loss*



*Assistive Listening Devices:
Alternative Symbol*



*Symbol of Induction Loop
(T-coil)*

Speech-to-text reporter:

- **What is a speech-to-text reporter?**
 - Speech-to-text reporter, live-captioner, stenographer, and palantypist are different types of trained professionals who transcribe what is being said in real-time, so that DHoH persons can read it immediately on laptops, screens, or appropriate devices.⁴¹ This is particularly beneficial to those who can read written Chinese or English, but do not know how to use sign language. This can also be a helpful tool for persons with mild or moderate hearing loss to better understand what is being said in the room, if they have missed part of the conversation.
- **Points to note while using speech-to-text service at the Court:**
 - Adequate time should be provided for DHoH persons to clarify what is being said and/or displayed on the screen from time to time, especially when some of the complex and technical terms are used that may not be easy to comprehend.

⁴¹ UK Judicial College (2018). *Equal Treatment Bench Book*. Retrieved from <https://www.judiciary.uk/wp-content/uploads/2020/05/ETBB-February-2018-amended-March-2020-17.09.20-1.pdf>

- The transcribed texts must indicate the speakers of the speech to allow the DHoH persons to identify who is speaking at that moment.
- **Have speech-to-text services been used at the Court before?**
 - The Magistrates' Court and the District Court have used such technology to communicate with DHoH defendants in different cases throughout the years, according to multiple news sources dated back in 2001, as well as some recent cases that were reported in 2021.⁴²

Lip-speaker:

- **What is a lip-speaker?**
 - Lip-speakers are trained people who repeat what is being said without using their voice. They are familiar with the needs of the DHoH persons and how the assistive devices work. They can reproduce clearly the shapes of the words, together with the use of facial expression and gesture, to aid DHoH persons to lip-read/speech-read easily.⁴³
- **Anything else?**
 - In addition to the general principles and tips mentioned in [Chapter 5.1](#), if face masks have to be worn by lip-speaker in the courtroom due to public health reasons, use a transparent one with a large clear window. A transparent face mask can help DHoH persons to read lips and see facial cues and expressions.⁴⁴

⁴² Ming Pao Daily News (2001). 法庭審聾啞犯首用電腦字幕; The Sun (2001). 法庭首次簡體字屏幕審案; HK Feature (2021). 嚴重失聰少年被控傷人 獲安排即時字幕進行審訊. Retrieved from <https://hkfeature.com/2021/03/16/%E5%9A%B4%E9%87%8D%E5%A4%B1%E8%81%B0%E5%B0%91%E5%B9%B4%E8%A2%AB%E6%8E%A7%E5%82%B7%E4%BA%BA-%E7%8D%B2%E5%AE%89%E6%8E%92%E5%8D%B3%E6%99%82%E5%AD%97%E5%B9%95%E9%80%B2%E8%A1%8C%E5%AF%A9%E8%A8%8A/1268/>; Ming Pao Daily News (2021). 傳譯員戴透明口罩 聽障青年可讀唇; Retrieved from

<https://news.mingpao.com/pns/%E6%B8%AF%E8%81%9E/article/20210921/s00002/1632163805027/%E5%82%B3%E8%AD%AF%E5%93%A1%E6%88%B4%E9%80%8F%E6%98%8E%E5%8F%A3%E7%BD%A9-%E8%81%BD%E9%9A%9C%E9%9D%92%E5%B9%B4%E5%8F%AF%E8%AE%80%E5%94%87>

⁴³ Lipspeaker UK (n.d.) *What is a Lipspeaker?* Retrieved from <https://lipspeaker.co.uk/our-services/lipspeaking/>

⁴⁴ South China Morning Post (2020). *Transparent face masks help the deaf read lips and faces amid Covid-19, and help their teachers. They just need to be cheaper.* Retrieved from <https://www.scmp.com/lifestyle/health-wellness/article/3098754/transparent-face-masks-help-deaf-read-lips-and-faces-amid>; UNRIC (n.d.) *Transparent masks aid communication for hard of hearing.*

5.3. Common Myths of Communicating with DHoH Persons

While different auxiliary aids and services can facilitate effective communication with DHoH persons, there are a number of common myths and misconceptions about these tools and the DHoH community which not only create hurdles for communication, but sometimes even excludes them from participating in different aspects of life like the judicial process. This section of the Guide will thus debunk and clarify some of these common myths,⁴⁵ in order to foster a truly inclusive culture that is the first and paramount step for equal participation in the justice system, as well as society.

Myths	Facts
<p>× Hearing aids can fully restore the abilities of DHoH persons to perceive sounds.</p>	<ul style="list-style-type: none"> ✓ Hearing aids are mainly devices that amplify sounds. How well the DHoH persons with hearing aids can perceive sounds largely depends on the environment and the level of their residual hearing or the nature of their hearing loss, e.g. the absence of cochlear or auditory nerves. ✓ Some DHoH persons may choose to switch off their hearing aids in a noisy environment as the devices amplify all sounds, including background noises that will distract them constantly.
<p>× As long as a DHoH person can perceive sound, he/she can communicate well.</p>	<ul style="list-style-type: none"> ✓ Effective speech communication with DHoH persons largely depends on many factors, such as one’s language proficiency, speech perception ability, and speech production ability. ✓ Though hearing aids may restore some of the speech perception ability of a DHoH person, that does not necessarily mean the person can understand the

Retrieved from <https://www.un.org/en/coronavirus/transparent-masks-aid-communication-hard-hearing>

⁴⁵ Silence (2016). 無障手語行：教學手冊. Retrieved from <https://web.archive.org/web/20211215221918/http://www.silence.org.hk/file/BarrierFree-CSServiceBooklet.pdf>;

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Kennedy Krieger Institute (2016). *Myths & Facts about the Needs of Deaf & Hard of Hearing Students*. Retrieved from <https://www.kennedykrieger.org/stories/linking-research-classrooms-blog/myths-facts-about-needs-deaf-hard-hearing-students>

	<p>conversation fully, especially in a complex context under the legal setting.</p>
<p>× Written text can replace sign language while communicating with DHoH persons.</p>	<ul style="list-style-type: none"> ✓ While some DHoH persons can express themselves and understand information through written text well, some of them might not, depending on their language proficiency. ✓ Therefore, written text can be a good supplementary tool, but never a replacement for sign language and other auxiliary aids for all DHoH persons.
<p>× All DHoH persons use a universal sign language.</p>	<ul style="list-style-type: none"> ✓ There is no universal sign language in the world. Also, there is only a small fraction of persons with hearing difficulty (6.3%) reported they knew how to use sign language in Hong Kong. Therefore, different accommodation measures other than sign language interpretation are usually needed to effectively communicate with a DHoH person.
<p>× All DHoH persons read lips. I just have to look at them directly while speaking.</p>	<ul style="list-style-type: none"> ✓ Some DHoH persons are skilled lip readers, but some others are not. More importantly, many speech sounds have identical mouth movements, such as “b” and “p” in English or “魚” and “豬” or “媽”, “嫲” and “馬” in Cantonese.
<p>× All DHoH persons are mute.</p>	<ul style="list-style-type: none"> ✓ Never assume that DHoH persons cannot speak. This is in fact a long-standing misconception held by society. Some of them can speak with voice, but choose not to, some others prefer to use sign language to communicate. Many DHoH persons will find the dated term “deaf-mute” offensive as it merely assumes they cannot speak or communicate well. ◆

6. Recommendations for Different Parties for Effective Communication during Judicial Processes

After taking reference from overseas jurisdictions and consulting the local DHoH community and legal practitioners,⁴⁶ this section provides recommendations for different parties, in the form of checklists, as to what each participant can do to facilitate effective communication with DHoH persons:

6.1. Recommendations for the Court

Policy and regulations:

- ✓ Formulate and review formal policies, practice directions, and/or other appropriate rules specifying the rights of equal access to justice for all PWDs in consultation with the PWD community. Such policies and rules should ensure that PWDs are provided with appropriate accommodations throughout the judicial process, and practice directions should be issued on how PWDs can apply for these accommodation measures.
- ✓ The policies and rules should also clearly state that all DHoH persons have the rights to access to auxiliary aids and services and other appropriate accommodations (including but not limited to examples listed in [Chapter 5.1](#)) provided by the court, at different stages of the judicial process.
- ✓ Use various means to publish the policies and rules, such as posting them on the website and providing them in easy-to-read and accessible formats for all legal parties involved.
- ✓ Keep the PWD community informed about the abovementioned policies and rules, by organising regular briefings or training for disability NGOs or self-help groups to know more about how to apply for accommodation measures.
- ✓ Expand the scope of work of the existing “Access Co-ordinators and Access Officer Scheme”,⁴⁷ they should not only be in charge of matters related to physical accessibility/barrier-free facilities, but also all the other accommodations measures

⁴⁶ Commission on Disability Rights, American Bar Association (n.d.). *Court Access for Individuals who are Deaf and Hard of Hearing: A Guide*. Retrieved from <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-lr-intractv-accsb-rev022317.pdf>;

⁴⁷ Details of the existing Access Co-ordinator and Access Officer Scheme: https://www.judiciary.hk/en/other_information/access_co_ordinator.html

for PWDs, including the provision of sign language interpretation, auxiliary aids and services listed in this Guide.

Administrative arrangement:

- ✓ Create, and regularly update, a directory of qualified sign language interpreters, speech-to-text reporters, lip-speakers and providers of auxiliary aids and services (if outsourced to private entities), to ensure those services can be provided timely, unrestrictedly and efficiently.
- ✓ Before the court proceeding, communicate with the DHoH persons (or their lawyers) to ensure that the appropriate kinds of auxiliary aids and services, which are tailored for their communication needs, are provided to them.
- ✓ Test, or facilitate DHoH persons to test, all devices of the auxiliary aids and services before the start of every court proceeding.
- ✓ If deemed necessary, the court may appoint more than one interpreter for proceedings which are relatively long, complex in nature, or involved multiple DHoH persons.
- ✓ If face masks have to be worn in the courtroom due to public health reasons, the court should provide masks with a large transparent window for both the interpreter and the DHoH person involved.

Training:

- ✓ Provide regular training to judges, judicial officers, court administrators, and access co-ordinators and officers at all levels of courts. Those training should include an introduction of sign language interpretation, available auxiliary aids and services, as well as sensitising training delivered by NGOs or Organisations of PWDs on how to communicate effectively with DHoH persons.
- ✓ If feasible, those training may also be open for lawyers, legal aid officers, police, and the PWD community to attend.
- ✓ In particular, provide training regarding the DDO, policies and rules that are related to equal access to justice for PWDs, and basic sign language and communication strategies with DHoH persons for employees in the Judiciary who provide frontline services to the public.

Quality Assurance:

- ✓ Conduct satisfactory surveys with parties who are provided with auxiliary aids and services after the court proceeding, to understand whether effective communication has been established.

- ✓ Engage NGOs or Organisations of DHoH persons to collect their opinions on how to improve the auxiliary aids and services of court proceedings, as well as the policies/practice directions/rules related to equal access to justice for PWDs.
- ✓ An appropriate grievance procedure should be in place to handle enquiries and complaints related to access to auxiliary aids and services or other related accessibility issues at legal proceedings.
- ✓ Handle all enquiries and complaints related to access to auxiliary aids and services and other related accessibility issues timely and fairly.

6.2. Suggested Points of Consideration for Judges and Judicial Officers

At the beginning of the court hearing:

- ✓ Ask both the DHoH persons and the interpreters/speech-to-text reporters/lip-speakers whether they are able to understand and communicate with one another, as well as the court, with the requested auxiliary aids and services provided given the diversity of cultural and linguistic identities of DHoH persons and the variety of assistive devices. Allow them to raise any concerns or difficulties before starting the hearing.
- ✓ As appropriate, the trial judge may allocate time in the beginning of the hearing for interpreters and/or lip-speakers to briefly communicate with the DHoH persons, in order to ensure that they can understand the sign variants used by one another and communicate effectively accordingly.
- ✓ Inform everyone in the courtroom of the presence and role of the interpreters, speech-to-text reporters or lip-speakers.
- ✓ As appropriate, consider allowing a DHoH litigant or witness to be accompanied and aided by someone who knows sign language, such as a carer/friend/family member/social worker, to provide communication and/or psychological support to the DHoH person.
- ✓ Remind everyone to speak clearly using a natural and normal speaking pattern and follow the communication tips as listed in [Chapter 5.1](#).
- ✓ Remind everyone that only one person may speak at a time.

During the hearing:

- ✓ Breaks may need to be scheduled more frequently than usual on an as-needed basis for interpreters, speech-to-text reporters or lip-speakers to rest and take turns (if there are more than one of them).

- ✓ Do not ask the interpreters to explain, infer, or elaborate on what the DHoH persons have said.
- ✓ Allow for requests for clarification, repetition or rephrasing, if the interpreters or the DHoH persons have missed part of the conversation in the courtroom.
- ✓ Speak directly to the DHoH persons, not to the interpreters.
- ✓ Monitor from time to time whether there are any issues with the auxiliary aids and services provided by the court. Check-in with the DHoH persons and interpreters to ensure the pace of the proceeding is fine and the DHoH persons can follow and understand properly. Be prepared to pause or reschedule the hearing if those issues cannot be resolved.

6.3. Recommendations for legal representatives (including Legal Aid Officers) whose client is a DHoH Person

- ✓ Assess a DHoH client's needs for auxiliary aids or services as soon as possible upon the signing of a retainer so that necessary arrangement can be made in good time.
- ✓ Speak directly to your clients, not to the interpreters and follow all the communication tips as listed in [Chapter 5.1](#).
- ✓ Always consult with your clients what kinds of auxiliary aids and services they need (refer to [Chapter 5.2](#) for more details). Never assume engaging a sign language interpreter or using a certain kind of auxiliary aid can be sufficient for attaining effective communication.
- ✓ File a request with the court for the specific type of auxiliary aids and services that your clients need as early as possible. Communicate with the court administrator to see if it is feasible to test out the equipment before the court hearing date.
- ✓ Monitor from time to time whether there are any issues with the auxiliary aids and services provided by the court during the hearing. Be prepared to inform the court, or even ask for adjournment, if you suspect your clients' right to a fair trial is affected due to ineffective communication with the court.
- ✓ Attend sensitisation training on how to effectively communicate and interact with DHoH persons.

6.4. Recommendations for Sign Language Interpreters

- ✓ Before the court proceeding, ask the court for information about the nature and estimated length of the proceedings, the role of participants requiring sign language interpretation and their communication needs.
- ✓ Subject to the consent of the parties, request to review in advance and familiarise yourself with the relevant case materials which may be presented during the court proceeding to ensure an accurate and effective interpretation.
- ✓ If deemed necessary, request to briefly communicate with the DHoH persons in the beginning of the hearing, in order to ensure that you can understand the communication needs of the DHoH person and communicate effectively with them.
- ✓ Inform the court immediately in case of any potential conflict of interest. Decline the assignment if necessary.
- ✓ Inform the court if you think the communication with the DHoH person is not effective. Request for clarification, repetition or rephrasing when necessary.
- ✓ Inform the court promptly of any situations that impede your performance or the communication with the DHoH person, e.g. background noise, equipment failure and poor sight lines. If you make any error in interpretation, inform the court immediately and make corrections.

6.5. Recommendations for Parties and Witnesses who are DHoH Persons

- ✓ Inform your lawyer, or the court (if you are a witness or representing yourself), of your need for auxiliary aids and services, if any, as early as possible. Be specific regarding the type of aids and services you need.
- ✓ On the court hearing date, arrive early to check with the court whether the auxiliary aids and services requested are functioning.
- ✓ If deemed necessary, request to briefly communicate with the interpreters, speech-to-text reporters, or lip-speakers in the beginning of the hearing, in order to ensure you can communicate with one another effectively.
- ✓ During the hearing, do not hesitate to inform the judge or your lawyer, if the auxiliary aids and services are not functioning properly. ◆

7. References and Useful Resources

Local references and resources

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8. Appendices

Appendix 1: Words to Use and Avoid when Identifying PWDs

Below is a non-exhaustive list of words to use and avoid when identifying PWDs, which took reference from international guidelines and the local disability communities.⁴⁸ In English, the principle in general is to use “people-first language”, referring to the person first by using phrases such as, “a person with ...” or “a person who ...” Such language emphasises the person first, not the disability, as one should avoid defining PWDs only by their disability.⁴⁹

The below table does not cover all the phrases used in the community and is for reference only. When in doubt, one should always ask the individuals how they wish to identify themselves:

Use	Avoid
Person with a disability/disabilities	Handicapped; The disabled; Invalid
Person who is deaf; Person with hearing loss; Person who is hard of hearing; *Person with a hearing impairment	Deaf and dumb; Deaf-mute
Person who is blind; Person with visual impairments; *Blind people	The blind
Person who uses a wheelchair; Wheelchair user	Wheelchair bound; Confined to a wheelchair
Person with physical disabilities	Crippled; Lame; Deformed
Person who is unable to speak; Person who uses synthetic speech	Dumb; Mute
Person with a mental health condition	Mental patient; Insane; Mad
Person with intellectual/ cognitive/ developmental disabilities	Retarded; Mentally defective
Person with learning disabilities	Mentally handicapped; Mentally defective; Retarded
(* Terms may be preferred by some people in the community but not others)	

⁴⁸ UK Department for Work & Pensions and Office for Disability Issues (2018). *Guidance—Inclusive language: words to use and avoid when writing about disability*. Retrieved from <https://www.gov.uk/government/publications/inclusive-communication/inclusive-language-words-to-use-and-avoid-when-writing-about-disability>; Employer Assistance and Resource Network on Disability Inclusion (n.d.). *People-First Language*. Retrieved from <https://askearn.org/topics/retention-advancement/disability-etiquette/people-first-language/>

⁴⁹ US Centers for Disease Control and Prevention (n.d.). *Communicating with and about People with Disabilities*. Retrieved from <https://www.cdc.gov/ncbddd/disabilityandhealth/pdf/communicating-with-people.pdf>

Appendix 2: Acronyms and Abbreviations

ALD	Assistive Listening Device
C&SD	Census and Statistics Department
CRPD	The Convention on the Rights of Persons with Disabilities
DDO	Disability Discrimination Ordinance
DHoH	Deaf and Hard of Hearing
EOC	The Equal Opportunities Commission
FM	Frequency Modulated
HKCSS	The Hong Kong Council of Social Service
ICF	International Classification of Functioning, Disability and Health
NGO	Non-government Organisation
OHCHR	The Office of the United Nations High Commissioner for Human Rights
PWD	Person with Disabilities
RAC	Rehabilitation Advisory Committee
RPP	Persons with Disabilities and Rehabilitation Programme Plan
WHO	World Health Organization