

## EOC Conducts Formal Investigation on Accessibility

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**The Equal Opportunities Commission (EOC) has launched a Formal Investigation on Accessibility in certain Publicly Accessible Premises covering about 60 sites within housing estates, commercial centres, car parks, buildings and offices in Hong Kong.**

Under the Disability Discrimination Ordinance (DDO), developers and property management companies should provide access to persons with a disability unless this would impose unjustifiable hardship. Accessibility-related complaints make up about 13% of total complaints lodged under the DDO received by the EOC. The EOC is of the view that redressing individual accessibility problems by way of complaint may not be the most effective way to deal with inaccessibility.

The Formal Investigation which began on 11 December 2006 is a focused study into the means of access to or use of about 6% of properties built, owned or managed by the Housing Authority, Housing Society, The Link Management Ltd. and the HKSAR Government, with specific reference to the legal requirement of providing accessible facilities to persons with a disability in a non-discriminatory manner.

The Formal Investigation will seek the opinions and views of interested parties, including disability groups, professionals and relevant stakeholders regarding accessibility problems and issues to consider ways of improvement.

#### **Accessibility: fundamental right**

The recent adoption by consensus of the Convention on the Rights of Persons with Disability by the United Nations' General Assembly in December 2006 represents a major paradigm shift in the approach in dealing with disability issues, shifting from the emphasis of welfare and charity to a rights-based model. The significance of this landmark Convention is the international recognition of the importance of disability rights, which will be instrumental in intensifying efforts to ensure that the dignity and rights of 650 million people with disabilities are acknowledged.

"Accessibility is essential for persons with a disability in their enjoyment of equal opportunities at work, in delivery of goods and services, independent living and personal development. To achieve sustainable solutions, it is more efficient to tackle the problem in a systemic manner. It is important to create a barrier-free environment where people with or without disabilities can enjoy equal opportunities to develop to their fullest potential. The Formal Investigation is the EOC's initiative to promote equality of opportunity between persons with and without a disability," said Mr. Raymond TANG, Chairperson of the EOC.

#### **Empowerment: removal of barriers**

The EOC has identified publicly accessible premises as the target for investigation, because there is a higher concentration of disadvantaged groups and persons with a disability residing within and the barriers to access in publicly accessible premises affect a greater number of people. The formal investigation will facilitate the development of a sustainable built environment, which will benefit a large section of the community comprising not only persons with a disability but also the elderly and parents with young children.

To collect quantitative and qualitative data, the investigation comprises document review, access audit, focus groups discussion, case study, invitation of views and submission from stakeholders, response from owners and management of the target premises. The case study will help illustrate how inaccessibility impacts on the daily lives of those with a disability. Views from the public are welcome.

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## Valuing Commitment to Workplace Diversity

### Valuing Commitment to Workplace Diversity

The Equal Opportunities Commission (EOC) inaugurated its EO Club in October 2006 to raise awareness and improve compliance level in Hong Kong's employment sector. So far, 150 human resources practitioners from close to 100 corporates, government departments, universities, SMEs and NGOs have joined to implement diversity in their respective workplaces.



Ms. Christine NG, IBM's Leader of Diversity Council (China/Hong Kong) speaks on equal employment opportunities at the EO Club Inauguration.

At the EO Club inauguration, guest speaker Mr. TSANG Kin-woo, the then Assistant Commissioner (Employment Services) of Labour Department highlighted the importance and benefits of ensuring equal opportunities in employment. "The establishment of the EO Club marks a successful step towards implementing equal opportunity in Hong Kong," said Mr. TSANG. "The Club's activities are designed to be user-friendly, such as case study seminars, allowing members to share and exchange good practices."

Another guest speaker Ms Christine NG, Leader of Diversity Council of IBM China/Hong Kong spoke on "Embracing Diversity and EO Practices in Hong Kong". Her sharing of the practical ways to implement equal employment opportunities and work-life balance are summarized below:

For some companies, equal opportunity might represent yet another regulation by which to abide. Yet, promoting equal opportunity and diversity within an organization should be viewed as a valuable, competitive advantage for business success. Corporations must appreciate the diversity of their customers and business partners, and that mirroring this diversity in their own workplace will help them gain better traction, respect and results.

In Hong Kong, women and people with disabilities are often under-represented in corporations. Putting practices, programs and initiatives in place to promote business activities without discrimination based on gender or disability, are key to combating this issue and ensuring that our Hong Kong business community reflects that of our society.



Mr. Raymond Tang, EOC Chairperson, presents a souvenir to guest speaker Mr. TSANG kin-woo, the then Assistant Commissioner for Labour (Employment Services) for his support for the EO Club.

### **Work life balance in Hong Kong**

It's no secret that Hong Kong's workforce is plagued by particularly long working hours, and lack of work-life balance can often be the reason employees decide to leave their companies. There are a number of policies that companies can implement to help employees maintain a healthy work life balance. These include staggered working hours, part-time regular job options, support for working from home, and providing technologies and infrastructure that enable employees to work off-site.

### **Ensuring equality and accessibility for the disabled**

At a very minimum, companies need to employ policies that ensure recruiting processes are conducted without any level of discrimination. They also need to acknowledge that the increasing pervasiveness of the Internet has created new barriers for people with disabilities. Companies should increase technological accessibility for persons with disabilities, especially when evaluating and implementing new tools as they also offer added benefits to our society by helping to lessen the digital divide.

### **Broadening women's diversity in business**

The belief that young women lack skills in science and engineering is a typical misconception that prevails in Hong Kong. The community and corporations need to look for ways to allocate resources to provide opportunities for women in these typically male-dominated disciplines; encourage women to pursue careers in these areas through mentorships and ongoing coaching; and support them once they are in these roles through programs that help them cope with family obligations such as dependent care.

In short, every company has the obligation to provide its employees with opportunities to fully participate in creating business success. Employees should be valued for the distinctive skills, experiences and perspectives they bring to the workplace.



Commission Members and staff network with EO Club Members.



### **About EO Club**

The EO Club offers information, training and advice to a wide network of employers, human resources practitioners, workplace trainers and equal opportunities officers. If you are interested to know more about the club activities or wish to join us, please call the EOC Hotline on 25118211.

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## EO Networks



EOC Chairperson Mr. Raymond Tang exchanges views with Mr. Sang Chul Lee, President of the Korean Society for Rehabilitation of Persons with Disabilities, on the strategies in promoting disabilities rights. Mr Tang's keynote presentation "Rights and Social Participation of Persons with Disabilities" at the 14th Rehabilitation International (RI) Conference drew interest from the local media.



Mr. Raymond Tang with Mr. Larry Campbell from USA (second left), Mr. Xie Jingren from mainland China (right), and Mr. Bill Brohier (first left) from Malaysia at the 12th International Mobility Conference organized by the Hong Kong Society for the Blind.



Head of EOC's Policy and Research Unit, discusses the need for a comprehensive mental health policy in Hong Kong at the "Mental Health Policy Forum". Other speakers include (from left to right) Legco Member Dr Hon Fernando CHEUNG; Mr Philip Yuen, Chief Officer (Rehabilitation) of Hong Kong Council of Social Service; Legco Member Dr Hon KWOK Ka-ki; and Dr Paul Yip, Centre Director for Suicide Research and Prevention.



On International Day of Disabled Persons (December 3), the EOC participated in the Conference on the Protection of Disability Rights organized by the China Disabled Persons' Federation held in Shantou.



Ms Wanda Vong (2nd left), Commissioner of the newly established Macau Against Child Abuse, and her team pay a fact finding visit to the EOC.



Well known film director Mr. Cheung Kin-ting, Career Challenge Mentor, reminds his young audience to explore a wide variety of subjects, and consider career choices based on interest and abilities.

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## A Fruitful Venture

## A Fruitful Venture



It is three o'clock in the morning, and while most people are sound asleep, a group of hardworking staff at the Tung Wah Group of Hospitals (TWGH) Jockey Club Rehabilitation Complex in Aberdeen are racing against time to process fruit and vegetables for their customers. Taking their tasks seriously, they endure different kinds of hardship and weather conditions to ensure that fresh fruit and vegetables reach their customers on time.



### Social Enterprise - Creativity and Perseverance



The TWGH's "Enterprise Vegetable & Fruit Processing and Supply Service (ES)" was established in May 2002. It was funded with a seed-money grant of about HK\$1.1 million under the Social Welfare Department's "Enhancing Employment of People with Disabilities through Small Enterprise Project", to create jobs for persons with a disability through a market-driven approach by supporting the start-up of social enterprises. ES buys fruit and vegetables in bulk from wholesalers, its employees process them to suit the needs of customers, such as public organizations or restaurants, when processing and service fees are charged.

Ms. Fanny ONG Man-chi, Assistant Superintendent of the TWGH Jockey Club Rehabilitation Complex explained, "This is the first social enterprise undertaken by the TWGH. ES's business involves many repetitive processes, but our people do not find the work boring. On the contrary, they always try their best to accomplish their tasks. Fruit and vegetable processing requires basic technical skills, which makes it easier for persons with disabilities to enter the work force. As a result, many have joined our team. We all know that fruit and vegetables are indispensable in any diet, so there is always a steady demand for our business." Ms. Ong further added, "Work not only gives us monetary rewards, it also affirms our self-value. Employment is important to persons with a disability, just like everyone else."



All ready - employees of the ES start work in the middle of the night.

### Market-oriented and Demand-driven

Just like any business, ES is responsible for its own profits and losses. It also has to face competition and bear risks. Before applying for the seed-money grant from the Social Welfare Department, ES conducted a series of research. It compared the pricing of various service providers, and invited members of sheltered workshops to attempt processing fruit and vegetables, in order to calculate the time and cost needed to determine the most suitable pricing. While competition was intense, ES positioned itself in the medium price range, relying on its quality service to win over customers. Since its start-up, ES has gained a steady growth in business volume, thanks to its 24-hour made-to-order customer service. For instance, a customer asked ES to provide some exotic fruits and vegetables at short notice. On taking the order, ES immediately assigned employees to source the produce at different locations. Although orders like these do not generate big profits, it has helped ES gain trust from customers and has enabled ES to earn a solid reputation. In the early days, ES's target customers were non-governmental organizations. Today, ES has on its customer list over 50 organizations covering a wide spectrum of voluntary organizations, schools, NGOs and privately run canteens.



Regarding ES as his own business, Shui Ping works hard at his job. His positive mindset makes him a role model.

### Unyielding Spirit and Social Integration

Some people ask how ES differs from a sheltered workshop. The difference lies in the genuine work environment which ES is able to offer its staff. As in other workplaces, employees of ES have to undergo performance appraisals. Those with unsatisfactory performances may be demoted or suffer wage cuts, while those who perform well could receive a promotion. Sheltered workshops provide persons with disabilities a training environment, preparing them for potential advancement to open employment. As a social enterprise, ES provides its employees with an opportunity for development. Its staff are mainly recruited through referrals by the Vocational Training Council, the Labour Department and parent' associations.

Although persons with a disability often experience positive changes after joining ES, some parents are worried that the job may be too demanding for their children. Staff have to go to work during inclement weather such as typhoons. Some have asked their children to quit. But most parents and employees are fully supportive of this project. Despite the hardships, they see it as an opportunity to learn. Promoted twice in merely two years from Vehicle Attendant to Production Instructor, Shui Ping said, "I can now earn my own living. I even spent some of the money I earned to treat my mother to a vacation outside Hong Kong. I am very happy at work. Our customers are satisfied with our service." Keung Kau, nicknamed Master Knife said, "I am glad to have this chance to work. There are arguments sometimes, but they are never personal. We all respect one another."



Master Knife, Keung Kau treasures his opportunity to work. His motto is "Work hard NOW!"

The TWGH Enterprise Vegetable & Fruit Processing and Supply Service proves everyone needs a chance to realize their full potential and contribute to society.





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## DD Case - Access Challenge

### Disability Discrimination Case

## Access Challenge

### The Complaint

"It's unfair to tenants with our disabilities. We are just asking for some reasonable modifications to improve access for our home. Couldn't they be more accommodating?"



Mr and Mrs Lee, both wheelchair users, moved into their new flat early this year. The couple soon found getting in and out of their new home very inconvenient. Mr Lee said, "The entry threshold to my unit was built at about three to four inches high, and the door was designed to close automatically. So don't ask me how many times I got stuck in there!"

He continued, "The management office turned down our request of installing an access ramp at our doorway, claiming that it would violate the Deed of Mutual Covenant and Fire Services Ordinance. Trying to shift the onus onto us, they said we should purchase our own portable access ramp. We don't consider that as a possible option as it would be too difficult for us to maneuver a portable ramp from our wheelchairs. We've got no other choice, but to lodge a complaint with the EOC," said Mr Lee.



### What the EOC did

Mr Lee claimed that the management of his housing complex discriminated against him because of his disability. Both Mr Lee and the management office agreed to attempt early conciliation, which meant resolving the dispute within a shorter period of time.

In seeking remedy for the problem, the management office arranged a site visit to Mr and Mrs Lee's flat, with the presence of the resident engineer, a vocational physiotherapist and the EOC conciliator, to examine the wheelchair accessibility of the unit. Following the professionals' recommendations, a ramp was built extending into the flat, and the hinges were adjusted to prevent the door from closing automatically.

Not only had they dealt with the issues under complaint, the management office also agreed to fix other accessibility problems inside the flat, for example, installing handrails in the bathroom and lowering the height of the kitchen's counter-top. In two months' time, the specified installation and modification works were completed, and Mr and Mrs Lee were satisfied with the improvements.

### What the law says

Under the Disability Discrimination Ordinance (DDO), owners or managers of premises have a duty to provide adequate access for people with disability, unless to do so would be unreasonably

difficult. Failing to provide access to a person with a disability, for example, a wheelchair user, may also amount to unlawful discrimination.

As such, the management of the housing complex in this case is required to make reasonable accommodations for Mr and Mrs Lee. A reasonable accommodation could be a change in rules, policies or practices so that a person with a disability will have an equal opportunity, just like everyone else, to use and enjoy a dwelling unit.

The management company should also allow Mr and Mrs Lee to make reasonable structural modifications to their unit, which will ensure them the full enjoyment of their facilities. Examples of reasonable modifications may include the installation of an access ramp and grab bars.

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## SD Case - A Convenient Excuse

Sex Discrimination Case

### A Convenient Excuse

#### The Complaint

"I burst into tears when I found the termination letter on my desk, although I expected that it would happen really soon," said Vivian, who had worked as a clerk for a small trading company in the past three years.



"After my first year working with the company, they were so happy with my performance that they awarded me a permanent contract. I can't believe things had changed so drastically in such a short period of time as they began a series of retaliations just because I got pregnant!" As soon as Vivian served the pregnancy notice early this year, the company tried to talk her into signing a new 9-month fixed-term contract which was due to expire shortly after her maternity leave. When the company made known to her that the contract was not renewable, she duly refused to sign it.

"Since then, the general manager suddenly became critical of my work performance. She picked on me over trivial matters and worst of all, she accused me of making mistakes well before my pregnancy," she went on in a distressed tone. "Though her attitude was bad, I never would have expected to be made redundant right after my maternity leave. Not to my surprise, they hired a replacement soon after I left. I kept asking myself why people could be so willful. What have I done wrong? Just because I got pregnant? It's just so unfair."

#### What the EOC did

Vivian lodged a complaint with the EOC against her employer and general manager for pregnancy discrimination. She provided a detailed record of events that was related to the complaint to the EOC investigator. Before the investigation commenced, the general manager, who also represented his company to respond to the complaint, opted for early conciliation in resolving the dispute.

Presided over by an EOC conciliator, the parties involved went through three rounds of conciliation meetings before reaching a consensus for resolution. Vivian accepted an apology, a reference letter and a monetary compensation equivalent to six months' salary as the settlement terms. The complaint was successfully conciliated within two months.



#### What the law says

Under the Sex Discrimination Ordinance (SDO), it is unlawful for an employer to discriminate against an employee on the ground of her pregnancy. The general manager in this case, who knowingly aids such an unlawful act, is also liable for unlawful discrimination. Employers have to take note of their different practices in handling staff prior to and after pregnancy. Any unfavourable treatment of pregnant staff could be inferred as unlawful pregnancy discrimination.

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## Around the World

### Around the World

#### "All-abilities: Playgrounds

In recent years, more communities across the USA have recognized the need for "all-abilities" playgrounds. A growing number of parks are reaching beyond the minimum requirements of the Americans with Disabilities Act to include such features as paths for wheelchair users, swings for those who lack the strength to sit upright, signage for the visually impaired and cozy spots for the autistic.

These universally accessible parks not only help to boost socialization skills of the children with disabilities, but also improve acceptance by all children for those with disabilities.

Information source:

<http://www.northjersey.com/pate.php?qstr=eXJpcnk3ZjcxN2Y3dnFIZUVFeXk3MDE2MDU3>

#### Powerful Tool for Students with Learning Disabilities: Voice Technology

Voice recording technology is being used in Australia to help students with learning disabilities understand their classes. They are allowed to listen to course information in their own time and at their own pace. The technology can be applied to a variety of educational contexts, to clarify complicated subjects such as life skills, or overcome distance for off-campus learners.



Glenda McPherson, who is managing the project, said the technology meant students were able to sit in front of a computer and listen to their teacher explain the subject. "The voice technology allows them to replay the file as many times as they like, until they understand what they are being asked to do. Then, the student can respond by participating in a computer quiz or recording their own voice in reply. The technology is a wonderful resource for teachers and the students with disabilities really enjoy the experience."

Information source:

[http://www.disabilitynews.infoxchange.net.au/news/detail.chtml?filename\\_num=108556](http://www.disabilitynews.infoxchange.net.au/news/detail.chtml?filename_num=108556)



## Women in Sports



The first Women's Sports Festival in Gambia kicked off in mid-November, 2006. This historic event adopting the theme "Mainstreaming

Women in Sports and Development from Rhetoric to Action", is observed in all regions around the country.

The objective of the festival is to mark a nation-wide awareness campaign on the right of women's participation in sports. The festival also provides a national platform that will reactivate sports leadership development among women. A series of events are planned, including a 2-day training course for women journalists, a national forum on women and sports, female football matches, and more.

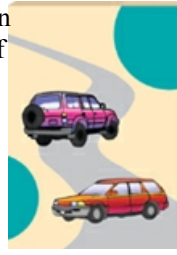
Information source:

[http://www.observer.gm/enews/index.php?option=com\\_content&task=view&id=6280&Itemid=37](http://www.observer.gm/enews/index.php?option=com_content&task=view&id=6280&Itemid=37)

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## A Proud Identity for Women Drivers

For decades, Russia's women drivers have been laughed off the roads by their male counterparts. A new magazine "Woman at the Wheel" has recently been published with an aim to give women drivers a proud identity. The title of the publication has been deliberately chosen to challenge the stereotype.



More and more Russian women have started driving in the last few years. The number of women drivers is estimated to have increased by up to 50%. Post-communist Russia has produced a new class of female professionals, who have got the income and the access to consumer goods that their parents' generation could never dream of.

Information source:

<http://news.bbc.co.uk/2/hi/europe/6107486.stm>

## EO Reaches the Community

### EO Reaches the Community



The lively performance of The Kids on the Block captured hundreds of primary school students who attended the puppet show, sponsored by the Equal Opportunities Commission since 1998 to promote understanding of EO issues and acceptance of students with a disability.



By taking part in an EOC funded drama performance on Family Status Discrimination Ordinance organized by Bravo Theatre, students gain a better understanding of difficulties encountered by persons with different family responsibilities.



Volunteers from Fu Hong Society ensure that children with disabilities enjoy the same childhood games and experiences as their peers.

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## Events Calendar

# 社區活動 巡禮 EVENTS CALENDAR

24/2/2007



心理健康教育講座  
Seminar on Mental Health  
香港心理衛生會  
Mental Health Association of Hong Kong  
2528 4656 / 2340 6031  
www.mhahk.org.hk

27/2/2007



「新春吉祥」傷健共融風采  
Chinese New Year Carnival - Variety Show by  
Persons With & Without Disabilities  
匡智粉嶺綜合復康中心  
Hong Chi Fanling Integrative Rehabilitation  
Complex  
3406 3388  
www.hcfc.org.hk

2/3/2007-25/5/2007



「放下絲絲·重拾歡笑」家長治療小組  
Batterer Intervention Programme  
防止虐待兒童會  
Against Child Abuse  
2755 1122  
www.aca.org.hk

4/3/2007 & 18/3/2007



香港傷殘人士草地滾球錦標賽  
Lawn Bowls Competition for Persons with  
Physical Disability  
香港傷殘人士足球錦標賽  
Football Match for Persons with Physical  
Disability  
香港殘疾人奧委會暨傷殘人士體育協會  
Hong Kong Paralympic Committee & Sports  
Association for the Physically Disabled  
2602 8232 www.hksap.org

25/3/2007



親子運動會  
Family Sports Day  
香港保護兒童會  
Hong Kong Society for the Protection of  
Children  
2760 8111  
www.hkspc.org

全年活動  
Year-round programme



多元文化足印 — 認識南亞裔文化工作坊  
Multi-cultural Footprints - Workshop on  
Understanding South Asian Cultures  
香港基督教服務處  
Hong Kong Christian Service  
3188 2525  
www.hkcs.org

全年活動  
Year-round programme



「新生相識」婦女互助小組  
Women Support Group  
明愛屯門綜合家庭服務中心  
Tuen Mun Caritas Integrated Family Service  
Centre  
2466 8622  
http://family.caritas.org.hk

全年活動  
Year-round programme



「香港展能藝術會兒童合唱團」  
Join the ADA Children Choir  
香港展能藝術會  
Arts with the Disabled Association Hong Kong  
2855 9548 / 2286 2505  
www.adahk.org.hk

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# 種族共融攝影比賽

## Powerful Images of Racial Harmony Photo Competition

平等機會多元共融行動  
MADE IN HONG KONG



### 參加辦法 Entry

參加表格可於平機會網頁[www.eoc.org.hk](http://www.eoc.org.hk)下載  
Entry forms can be downloaded from the EOC website, [www.eoc.org.hk](http://www.eoc.org.hk)

### 參賽組別 Divisions

青少年組 Youth Division	— 18歲或以下人士 18 years or under
公開組 Open Division	— 19歲或以上人士 19 years or above

### 獎項 Prizes

冠軍1名 Champion	現金獎港幣4,000元及獎座 Cash prize HK\$ 4,000 & trophy
亞軍1名 1st Runner-up	現金獎港幣2,000元及獎座 Cash prize HK\$ 2,000 & trophy
季軍1名 2nd Runner-up	現金獎港幣1,000元及獎座 Cash prize HK\$ 1,000 & trophy
優異獎5名 Five Merit Prizes	各得精美禮品一份及證書 A certificate of merit and gift

### 主旨 Goal

讓攝影愛好者透過鏡頭，展現日常生活中接納包容及多元文化，藉此推廣種族融和的訊息  
To encourage photo enthusiasts to show different aspects of inclusion and diversity in everyday life to promote racial harmony

### 題材 Theme

參加者可就種族融和、文化交流或不同族裔人士的生活特色為主題拍攝照片  
Racial harmony, cultural exchange and life style of ethnic minorities in Hong Kong

### 截止遞交作品日期 Deadline for submissions

10/4/2007

### 查詢電話 Enquiry

2511-8211

### 網址 Website

[www.eoc.org.hk](http://www.eoc.org.hk)



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION



RTHK  
香港電台第二台  
RTHK Radio 2



10th Anniversary  
十週年

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