



香港的三條反歧視條例，即《性別歧視條例》、《殘疾歧視條例》和《家庭崗位歧視條例》禁止一切性別歧視、性騷擾、懷孕歧視、婚姻狀況歧視；殘疾歧視、殘疾騷擾及中傷；及家庭崗位歧視等違法行為。

三條條例中有關僱傭範疇的條文不單保障在職人士，亦為求職者、中介人及承辦商提供保障。條例亦涵蓋關乎職業訓練、職業介紹所、業務合夥、專業團體及職工會等活動。條例中有關非僱傭範疇的條文，涵蓋教育、貨品或服務的提供、以至參加會社和體育活動、處所管理及政府活動等方面。

投訴與調查

任何人士如認為自己在反歧視法例保障範圍內受到歧視，可親身或授權代表向平機會提出書面投訴。平機會調查投訴時，會研究每宗個案的事實，讓雙方有機會就有關指稱提出意見和作出回應。如認為合適，平機會會致力以調解方式協助雙方和解。假如未能和解，平機會可應投訴人的申請，考慮提供其他形式的協助。平機會會個

Hong Kong's three anti-discrimination ordinances, namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), and the Family Status Discrimination Ordinance (FSDO) prohibit unlawful behaviour such as sex discrimination, sexual harassment, pregnancy discrimination, marital status discrimination; disability discrimination, harassment and vilification; and family status discrimination.

The employment-related provisions of the ordinances provide protection, not only to existing employees but also to job applicants, agents and contractors. They also cover activities relating to vocational training, employment agencies, partnership admissions, professional bodies and trade unions. The non-employment related provisions cover areas such as education, the provision of goods or services, participation in clubs and sporting activities, the management of premises and government activities.

Complaints and Investigations

Anyone who feels that he or she has been discriminated against on protected grounds can lodge a complaint in writing, either personally or through a representative, with the EOC. When investigating the complaint, we look into the facts of each case with both parties being given the opportunity to

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別研究每宗申請，考慮當中是否涉及原則問題，和評估投訴人能否在沒有平機會協助的情況下獨自處理個案。協助形式包括給予法律意見、法律協助、或任何平機會認為適當的協助。

comment and respond to the allegations made. Where it is considered appropriate, we endeavour to resolve the matter through conciliation, helping the parties involved to reach a settlement. If a settlement cannot be reached, we are able to consider other forms of assistance if the complainant makes an application to take the matter further. We look at each application individually, considering issues of principle as well as the ability of the applicant to deal with the case unaided. Assistance granted can include advice, legal assistance or any other assistance deemed appropriate.

表1 2006年4月1日至2007年3月31日期間接獲的投訴 (共655宗)
Figure 1 Complaints and Investigations: 655 complaints received – 1 April 2006 to 31 March 2007

		《性別歧視條例》 SDO	《殘疾歧視條例》 DDO	《家庭崗位歧視條例》 FSDO	總數 Total
投訴數目	No. of complaints	240	391	24	655
投訴人數目	No. of complainants	195	322	16	533
答辯人數目	No. of respondents	228	378	19	625

經處理的投訴

2006/07年度，平機會接獲由533名投訴人對625名答辯人作出的投訴，共涉及655宗指稱違法行為的個案，較2005/06年度由531名投訴人作出678宗投訴為少。在這些投訴中，有240宗根據《性別歧視條例》提出、391宗根據《殘疾歧視條例》，另有24宗根據《家庭崗位歧視條例》。連同往年未完成的個案，平機會在本年度共處理905宗投訴，比上年度的874宗增加3.5% (詳情見表2)。成功調解率達72%，而之前12個月的調解率為64%。

Complaints Handled

During the year, we received complaints from 533 complainants against 625 respondents involving 655 cases of alleged unlawful acts, a decrease from the 678 complaints received in 2005/06 from 531 complainants. Of the complaints, 240 were received under the SDO, 391 under the DDO and 24 under the FSDO. Together with those carried forward from previous years, we investigated a total of 905 complaints, representing an increase of 3.5% as compared to 874 in the previous year (See Figure 2). The successful conciliation rate is 72% during the year as compared with 64% in the previous twelve months.

表2 2006年4月1日至2007年3月31日期間已處理的投訴調查 (共905宗)
Figure 2 Complaints and Investigations: 905 complaints handled – 1 April 2006 to 31 March 2007

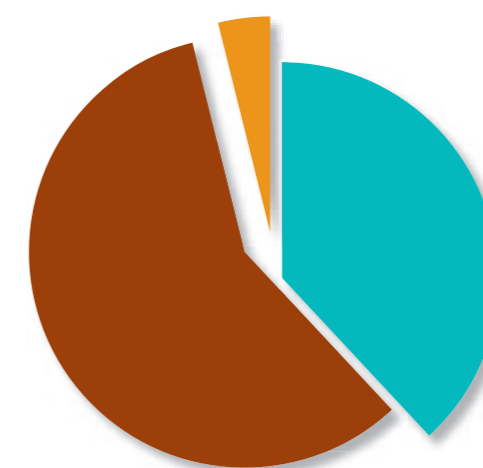
		《性別歧視條例》 SDO	《殘疾歧視條例》 DDO	《家庭崗位歧視條例》 FSDO	總數 Total
僱傭範疇	Employment	317	410	27	754
非僱傭範疇	Non-employment	29	117	5	151
總數	Total	346	527	32	905

在2006/07年度，平機會調查了664宗有關指稱違法行為的個案 (詳情見表2a)。當中有237宗進行了調解，其中170宗調解成功，餘下的67宗個案未能和解 (詳情見表2b)。

In 2006/07, we completed investigations on 664 cases of alleged unlawful behaviour (See Figure 2a). Of this number, 237 proceeded to conciliation, with 170 reaching successful settlement; settlement failed for the remaining 67 cases (See Figure 2b).

表2a 2006年4月1日至2007年3月31日期間經調查及調解後已完結的個案 (共664宗)
Figure 2a Investigation & Conciliation: 664 cases concluded – 1 April 2006 to 31 March 2007

- 253 (38%)
《性別歧視條例》SDO
- 386 (58%)
《殘疾歧視條例》DDO
- 25 (4%)
《家庭崗位歧視條例》FSDO



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表2b 2006年4月1日至2007年3月31日期間曾進行調解的個案(共237宗)
Figure 2b Cases Proceeding to Conciliation: 237 cases – 1 April 2006 to 31 March 2007

	《性別歧視條例》 SDO	《殘疾歧視條例》 DDO	《家庭崗位歧視條例》 FSDO	總數 Total
調解成功個案 Successfully conciliated cases	67	98	5	170
未能和解個案 Unsuccessful cases	30	36	1	67
總數 Total	97	134	6	237

本年度有427宗投訴未進行調解，且因為各種原因需終止調查，例如：(i)有關作為並不違法，(ii)投訴人不想繼續追究，或(iii)所指稱的行為在投訴時已超過12個月的限期，(iv)投訴透過其他方法獲得解決，或(v)平機會認為有關投訴屬瑣屑無聊、無理取鬧、錯誤理解或缺乏實質（詳情見表3）。

A total of 427 complaints did not proceed to conciliation and they were discontinued for a variety of reasons such as (i) the act in question was not unlawful, (ii) the complainant no longer wanted to pursue the complaint, (iii) a period of over 12 months had passed since the act was committed, (iv) the dispute was resolved through other means, or (v) the EOC considered the complaint to be frivolous, vexatious, misconceived or lacking in substance (See Figure 3).

表3 2006年4月1日至2007年3月31日期間個案終止調查的原因(共427宗)
Figure 3 Discontinued Cases by Reason: 427 cases – 1 April 2006 to 31 March 2007

	不屬違法 作為 No unlawful acts	瑣屑無聊 或缺乏實質 Frivolous or lacking in substance	投訴人不願 繼續追究 Complainants did not wish to pursue	得到提早 解決 Matter resolved through early resolution	超過12個月 的時限 Beyond 12-month time bar	總數 Total
《殘疾歧視條例》DDO	9	169	53	7	14	252
《性別歧視條例》SDO	6	84	41	22	3	156
《家庭崗位歧視條例》FSDO	0	12	5	2	0	19
總數 Total	15	265	99	31	17	427

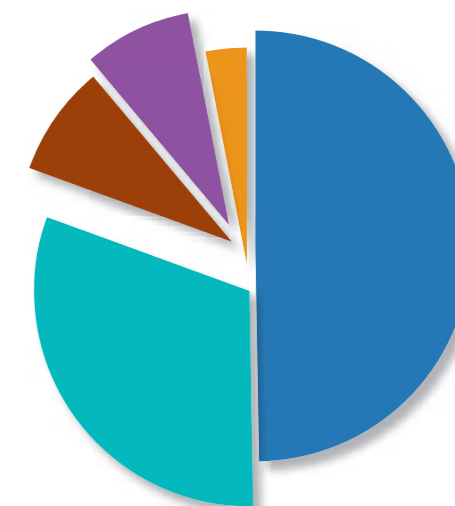
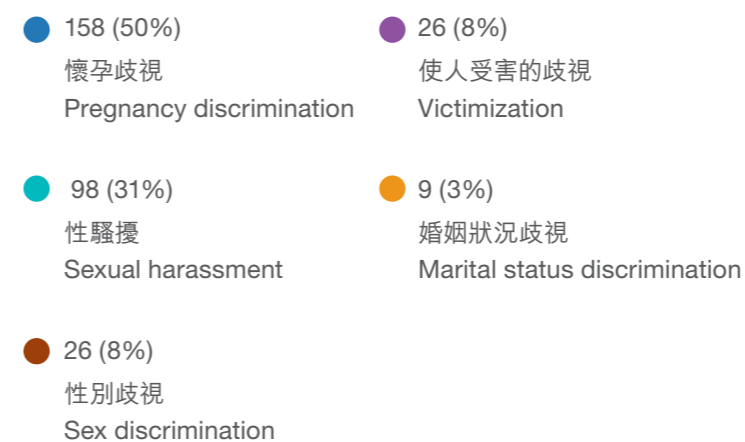
與《性別歧視條例》相關之投訴

- 平機會本年度共調查了317宗涉及僱傭範疇的指稱，當中懷孕歧視仍然是主要的投訴原因，有158宗(50%)，其次是性騷擾，共98宗(31%)（詳情見表4）。
- 平機會本年度共調查了29宗涉及非僱傭範疇的指稱，其中20宗(69%)關乎性別歧視（詳情見表5）。

SDO-related Complaints

- A total of 317 employment-related allegations were investigated. Pregnancy discrimination continued to be the major cause for complaint with 158 cases (50%), followed by 98 (31%) sexual harassment cases (See Figure 4).
- Investigations were made into 29 non-employment related allegations; 20 (69%) of which were related to sex discrimination (See Figure 5).

表4 2006年4月1日至2007年3月31日期間根據《性別歧視條例》提出，關乎僱傭範疇而獲調查的指稱(共317宗)
Figure 4 Employment Related Allegations investigated under the SDO: 317 cases – 1 April 2006 to 31 March 2007



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表5 2006年4月1日至2007年3月31日期間根據《性別歧視條例》提出，關乎非僱傭範疇而獲調查的指稱(共29宗)
Figure 5 Non-employment Related Allegations investigated under the SDO: 29 cases – 1 April 2006 to 31 March 2007



與《殘疾歧視條例》相關之投訴

- 平機會本年度調查了527宗有關《殘疾歧視條例》的指稱，其中410宗屬僱傭範疇，117宗屬非僱傭範疇。
- 在已處理的僱傭範疇及非僱傭範疇個案中，殘疾歧視的投訴個案佔最多，達453宗(佔總數86%)(詳情見表6及表7)。

DDO-related Complaints

- A total of 527 allegations were investigated, consisting of 410 employment-related and 117 non-employment related cases.
- Among both the employment-related and non-employment related cases handled, disability discrimination was the single largest cause for complaint, accounting for 453 (86%) of the total (See Figures 6 and 7).

表6 2006年4月1日至2007年3月31日期間根據《殘疾歧視條例》提出，關乎僱傭範疇而獲調查的指稱(共410宗)
Figure 6 Employment Related Allegations investigated under the DDO: 410 cases – 1 April 2006 to 31 March 2007

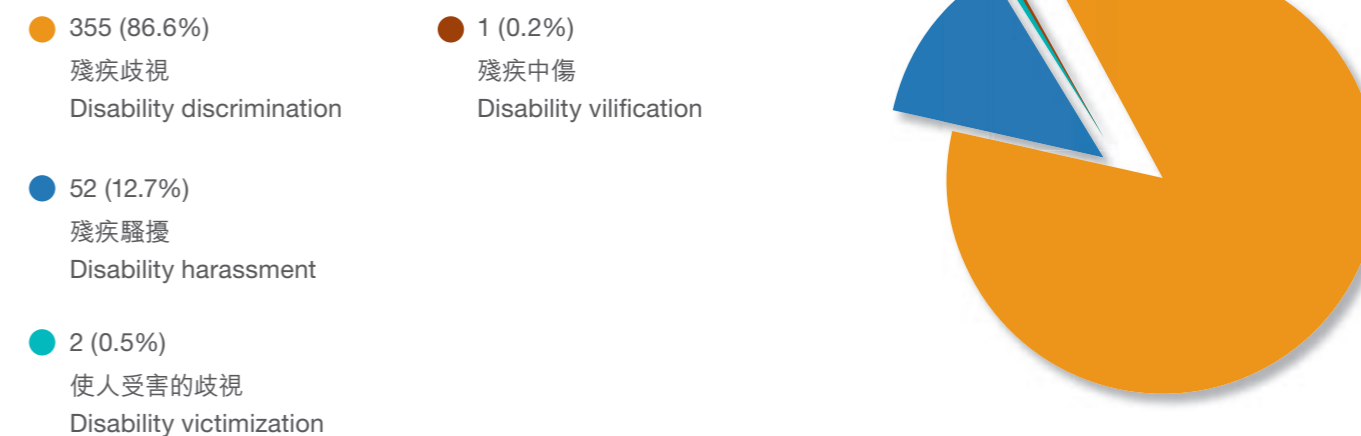


表7 2006年4月1日至2007年3月31日期間根據《殘疾歧視條例》提出，關乎非僱傭範疇而獲調查的指稱(共117宗)
Figure 7 Non-employment Related Allegations investigated under the DDO: 117 cases – 1 April 2006 to 31 March 2007

投訴類別 Type of complaint	投訴數目 Number of complaints
殘疾歧視 Disability discrimination	98
貨品、服務及設施 Goods, services and facilities	47
處所通道 Access to premises	19
政府 Government	10
教育 Education	18
會社 Club	2
其他 Other fields	2
殘疾中傷、騷擾及使人受害的歧視 Disability vilification, harassment & victimization	19
總數 Total	117

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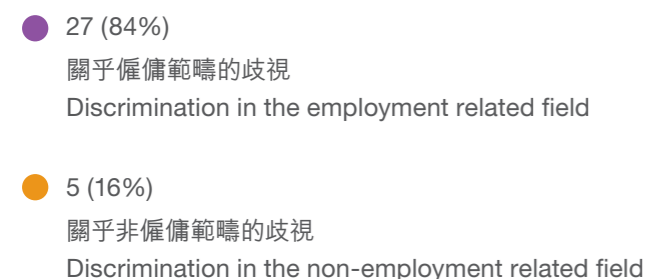
與《家庭崗位歧視條例》相關的投訴

- 平機會本年度調查了32宗有關《家庭崗位歧視條例》的指稱，當中有27宗(84%)關乎僱傭範疇，5宗(16%)關乎非僱傭範疇(詳情見表8)。大部分關乎僱傭範疇的指稱(56%)與基於家庭崗位而被解僱有關。

FSDO-related Complaints

- During the year, a total of 32 FSDO allegations were investigated, 27 (84%) of which were employment-related and five (16%) were non-employment related (See Figure 8). The majority (56%) of the allegations in the employment field were related to dismissal on the grounds of family status.

表8 2006年4月1日至2007年3月31日期間根據《家庭崗位歧視條例》提出並獲調查的指稱(共32宗)
Figure 8 Allegations investigated under the FSDO: 32 cases – 1 April 2006 to 31 March 2007



平機會的主動調查

對於由不想參與調查或調解的受屈人士或第三者所提出投訴，平機會亦會採取行動。在這些情況下，平機會會聯絡有關人士，就事件作出查詢，向他們解釋有關法例，並建議他們加以糾正。在本年度，平機會處理了60宗這一類的個案，其中24宗關乎《性別歧視條例》(主要關於招聘及服務提供)，36宗關乎《殘疾歧視條例》(主要關於通道及設施)。

EOC-initiated Investigations

We also take action on complaints with regard to unlawful acts brought to our attention by third parties, or aggrieved individuals who do not wish to be involved in the investigation or conciliation process. Under these circumstances, the Commission approaches the concerned parties to inquire into the matter, explain the relevant legislation, and advise them to rectify the situation. During the year, we handled 60 such cases: 24 under the SDO (mainly on recruitment and service provision) and 36 under the DDO (mainly on accessibility issues).

查詢

平機會在本年度繼續為市民提供高效率 and 效益的查詢服務，解答市民循不同途徑(如電話、親訪、信件和電子郵件)提出的各類歧視問題。平機會於2006/07年度共處理了15,960宗查詢，其中6,670宗為一般查詢，9,290宗為具體查詢。這數字較平機會於1996年成立首年的數字增加一倍。

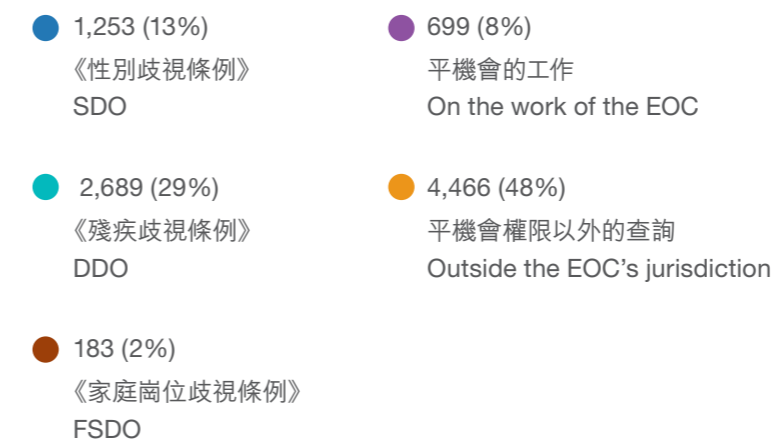
一般查詢涉及平機會的活動和反歧視條例的條文；而具體查詢則涉及個別事件的有關問題。本年度收到的9,290宗具體查詢中，有1,253宗與《性別歧視條例》有關，2,689宗與《殘疾歧視條例》有關，183宗與《家庭崗位歧視條例》有關。另有699宗關乎平機會的工作，至於其餘4,466宗查詢則涉及年齡、種族、性傾向及宗教等不屬平機會權限的問題(詳情見表9)。

Enquiries

The EOC continued to offer effective and efficient enquiry service to members of the public who approached us by phone, in person, via letters and e-mails on a range of issues relating to the different kinds of discrimination in Hong Kong. In 2006/2007, the number of enquiries handled was 15,960 with 6,670 general and 9,290 specific enquiries. The number has doubled that received in 1996 when we first set up.

General enquiries relate to our activities and the provisions of anti-discrimination law, whilst specific enquiries cover incident-related questions. Of the 9,290 specific enquiries received, 1,253 were related to the SDO, 2,689 to the DDO and 183 to the Family Status Discrimination Ordinance (FSDO). A further 699 focused on the work of the EOC, while the remaining 4,466 enquiries, covering areas such as age, race, sexual orientation and religion, fell outside our jurisdiction. (See Figure 9).

表9 2006年4月1日至2007年3月31日期間的具體查詢分類(共9,290宗)
Figure 9 9,290 Specific Enquiries – 1 April 2006 to 31 March 2007



法律協助的申請

Applications for Legal Assistance

若有投訴人提出投訴，卻未能與對方達成和解，平機會有權向有意採取法律行動的申請人提供法律協助。在收到協助申請後，平機會的律師會評估個案，然後向委員會建議個案的證據是否有力及其他需考慮的因素。平機會會根據法律意見，決定是否給予協助。協助的形式包括：由平機會的律師向申請人提供法律意見、協助申請人取得及評估進一步的資料或證據、或由平機會的律師或平機會延聘的私人執業大律師在訴訟中擔任申請人的法律代表。

在2006/07年度，平機會共處理34宗有關法律協助的申請，其中14宗獲得協助。有關申請的分類詳情請參閱《附錄5：法律協助的申請》。

獲平機會給予法律協助的個案

在2006/07年度，共有6宗獲平機會協助的個案在展開法律程序前已經完結，當中包括自往年延續至本年度的個案。此類過案包括雙方達成和解，或平機會因各種原因，例如：證據不足，而撤回法律協助的個案。

此外，有11宗在2006/07年度或以前已獲給予法律協助的個案仍在處理中，個案至2006/07年底仍未展開法律程序(見附錄6)。

法律訴訟

平機會在2006/07年度處理了3宗法庭案件，這3宗案件都在2006/07年度已展開法律程序。當中2宗案件已獲解決；尚餘的1宗案件在2006/07年度完結前仍在處理中。

此外，平機會在2006/07年度展開了8宗案件的法律訴訟。其中2宗案件在雙方同意和解條款保密的情況下已獲解決。截至2006/07年度完結前，仍有6宗案件未完成訴訟程序。

除了以上的案件，一宗在2006/07年度前作出判決的案件，在2006/07年度需進行有關訟費的法律程序(見附錄7)。

Where a complaint has been lodged and has not been settled, the EOC has power to grant assistance to applicants who wish to take legal proceedings with regard to the complaint. When an application for assistance is received, our lawyers will conduct an assessment of the application before advising the EOC on the strength of the evidence and other considerations. Upon receipt of the legal advice of the lawyers, the EOC will decide whether or not to grant assistance. The assistance granted by the EOC may include legal advice to the applicant by the EOC's lawyers, legal services relating to the gathering and assessment of further information or evidence, representation in legal proceedings by the EOC's lawyers, or by barristers in private practice briefed by the EOC.

During 2006/07, we processed 34 applications for assistance and granted assistance in 14 of them. The details and a breakdown of the applications can be found under "Appendix 5: Applications for Legal Assistance".

Legally Assisted Cases

During 2006/07, 6 cases in which legal assistance was granted before and during 2006/07 were closed without commencing legal proceedings. These included cases in which the parties reached settlement or cases in which the EOC withdrew assistance for various reasons such as insufficient evidence.

11 other cases where legal assistance was granted before and during 2006/07 were still being handled and no court proceedings had been commenced as at the end of 2006/07 (See Appendix 6).

Court Cases

During 2006/07, the EOC handled 3 court cases in which court proceedings were commenced before 2006/07. Two of these cases were settled. The remaining case was still being handled at the end of 2006/07.

In addition, the EOC commenced legal proceedings in 8 cases in 2006/07. Two of these cases were settled on confidential terms and 6 were ongoing as at the end of 2006/07.

Apart from the above, for 1 case in which judgment was given before 2006/07, there were further proceedings relating to costs which had to be dealt with during 2006/07 (See Appendix 7).

法庭之友

除了為未獲解決的投訴採取法律行動外，平機會亦會在適當的情況下，參與一些原告人沒有向平機會作出投訴的法庭案件。在這些案件中，平機會的參與不會偏袒任何一方，而是旨在以不偏不倚的態度，協助法庭發展相關的法理學。這種參與稱為「法庭之友」。在2006/07年度，平機會接受受影響一方的邀請，以法庭之友身份，就《刑事罪行條例》中有關指稱的性傾向條文，參與在上訴法庭的司法覆核。該案要求澄清究竟《刑事罪行條例》(第200章)內有關肛交的若干條文是否對同性戀男性存在不合理歧視。

Amicus Curiae

Apart from taking legal actions for unsettled complaints, the EOC may also participate as appropriate in other court cases even when the Plaintiff had not lodge a complaint with the EOC. In these cases, the EOC's participation will be non-partisan in nature and is intended to impartially assist the Court in developing relevant jurisprudence. This form of participation is called "Amicus Curiae" (friend of the Court). In 2006/07, upon the invitation by the affected party, the EOC participated as Amicus Curiae in a judicial review appeal in the Court of Appeal concerning alleged sexual orientation in the Crimes Ordinance. The case involved whether homosexual men have been unjustifiably discriminated against by certain provisions contained in the Crimes Ordinances, Cap. 200 relating to buggery.

平機會在2006/07年度採取法律行動的概要 Summary of the EOC's Legal Activities 2006/07

在2006/07年度處理的法律協助申請	2005/06年度收到的申請	
Applications for legal assistance processed during 2006/07	Received in 2005/06	8
	2006/07年度收到的申請	
	Received in 2006/07	26
	總數	
	Total	34
	給予法律協助	
	Granted	14
	不給予法律協助	
	Not Granted	16
	考慮中	
	Under Consideration	4
獲給予法律協助的個案(毋需展開法律程序)	已解決	
Legally assisted cases (without commencement of legal proceedings)	Resolved	6
	處理中	
	Ongoing	11
委員會協助的法庭案件 (2006/07年度前已展開訴訟)	已解決	
EOC assisted court cases (commenced before 2006/07)	Resolved	2
	處理中	
	Ongoing	1
委員會協助的法庭案件 (在2006/07年度展開訴訟)	已解決	
EOC assisted court cases (commenced during 2006/07)	Settled	2
	處理中	
	Ongoing	6
法庭之友		
Amicus Curiae		1