

平等機會期刊  
EOC Journal

平等

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Equality  
Perspectives

2018  
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平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

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EOC Organises "Employment Equality Project" to Promote Inclusion of PWDs

香港黃竹坑香葉道41號16樓  
16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong

電話 Tel: 2511 8211 傳真 Fax: 2877 7600  
網頁 Website: www.eoc.org.hk 電郵 E-mail: eoc@eoc.org.hk

短訊查詢服務 SMS Enquiry Service: 6972566616538  
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「快樂掌握在你手」  
——我們從小就從父母和老師口中聽過這句勵志的說話。但隨著年紀漸長、閱歷多了，我們開始意識到快樂與否，有時並非個人所能決定：偏見、不公、貧窮與貪腐都是超越個人層面的問題，能磨滅意志，令努力付諸流水，甚或使人放棄理想。殘疾人士對此體會或許更深：狹窄的行人路、沒有升降機的大廈、欠缺字幕的電影、色彩對比不夠強的網頁、缺乏彈性的上班時間、敏感度不足的收生政策……他們日常面對的障礙難以盡言，遑論享有快樂無憂、多姿多彩的生活。

假如充實的生活能帶來快樂，那麼只有移除殘疾人士在生活各層面的障礙，才可確保他們的福祉。今期《平等點·線·面》正以「無障礙」為主題，藉聯合國《殘疾人權利公約》指出我們為殘疾人士提供便利的責任，以及現時反歧視條例的不足，並透過專題文章闡釋在本港公共處所落實無障礙的挑戰。我們亦訪問了一些團體和殘障朋友，探討如何透過硬件以外的支援，幫助殘疾人士參與藝術和發展親密關係，照顧他們鮮被談及的需要。

誠然，要建設無障礙城市，需要抱負和決心、各界通力合作，還有創意思維。更重要的是，不論對象是殘疾人士、小孩、孕婦、長者抑或跨性別人士，我們必須與無障礙設計的「用家」持續溝通，了解他們的需要。在這過程中難免出現意見分歧，但只要我們拿出同理心，體恤社會上不同人士的處境，定能妥善運用資源，排除障礙，確保所有人能過著輕鬆、愉快和豐盛的生活。

假如充實的生活能帶來快樂，那麼只有移除殘疾人士在生活各層面的障礙，才可確保他們的福祉。今期《平等點·線·面》正以「無障礙」為主題，藉聯合國《殘疾人權利公約》指出我們為殘疾人士提供便利的責任，以及現時反歧視條例的不足，並透過專題文章闡釋在本港公共處所落實無障礙的挑戰。我們亦訪問了一些團體和殘障朋友，探討如何透過硬件以外的支援，幫助殘疾人士參與藝術和發展親密關係，照顧他們鮮被談及的需要。

平等機會委員會主席

陳章明教授

2018年8月

“You can always choose to be happy or sad.” Many of us imbibed this belief from our parents and teachers when we were young, but as we ride the ups and downs of life, it dawns on us that sometimes positivity is beyond our individual control. Things like prejudice, injustice, poverty and corruption can undermine our hard work, deflate our aspirations and take meaning away from our existence. People with disabilities (PWDs) face even more barriers to a carefree, fulfilling life – from narrow sidewalks, buildings without lifts and movies without captions to websites with insufficient colour contrast, inflexible working hours and insensitive school admission policies.

If happiness flows naturally from participating fully in life, ensuring barrier-free access to every aspect of life for PWDs is simply a step we must take to safeguard their well-being. This issue of *Equality Perspectives* drives home precisely the message of accessibility. Drawing on the United Nations Convention on the Rights of Persons with Disabilities, the introduction stresses our collective responsibility to accommodate the needs of PWDs and pinpoints the limitations of Hong Kong's current anti-discrimination legislation. We then present a deep-dive story on the challenges of enhancing the accessibility of public premises in Hong Kong. We also talked to people who work to bring down hurdles that stand in PWDs' way to enjoying art and intimacy – two nourishing facets of life often overlooked as a result of an overwhelming focus on hardware support.

Building a barrier-free city requires commitment, collaboration, creativity and, above all, continuous dialogue with its end-users, whether they are PWDs, children, pregnant women, the elderly or transgender people. No doubt debates will arise – around feasibility, liability, use of tax dollars, etc. – but let's not get carried away by the heat, and instead grow our empathy to enable everyone to navigate through life with ease, joy and purpose.

Professor Alfred CHAN Cheung-ming

Chairperson

Equal Opportunities Commission

August 2018



# 無障礙與我何干？

## Why Should We Care An Introduction to Accessibility



夏日炎炎，剛睡醒的你，慵懶地打了個呵欠，一面伸著腰，一面想著怎樣度過這個星期天。  
上午不如去旺角波鞋街逛逛，也是時候換掉那雙發黑的球鞋了。  
下午約了男友看電影，戲票早已在網上預購。  
晚上……對了，友人最近在Instagram推薦新式私房菜，位處一幢唐樓，起床後打電話訂位吧。

It's a sweltering Sunday morning. You wake up in the lethargic heat of summer, yawning and rubbing your eyes while planning the day in your head.

Maybe it's time to bid farewell to those tattered sneakers and get a new pair in Mong Kok. Why not text your boyfriend and see if he's free to go shopping together? You have a movie date in the afternoon anyway.

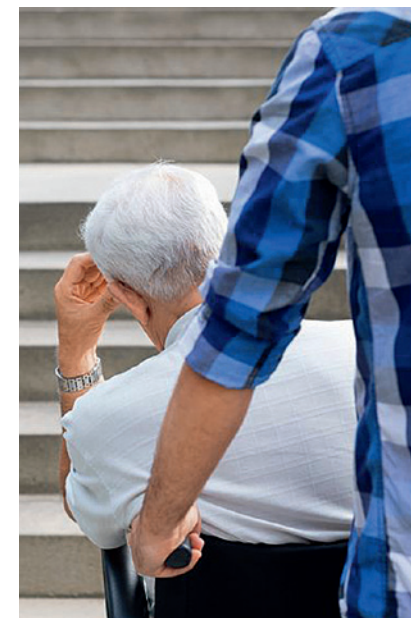
And what's for dinner? Your friend just posted on Instagram about a new fancy joint inside a run-down tenement building... may as well get up now and call the place to book a table.

在不少人眼中，這或許是一個再平常不過的週末。然而，對殘疾人士而言，要享受這一連串節目的樂趣，可謂難上加難：部分自閉症兒童和受精神問題困擾的人士，由於感官十分敏感，置身熙來攘往的鬧市時，容易對噪音感到煩厭甚至恐懼；視障人士在沒有旁述下，連電影情節也未能掌握清楚，遑論散場後與朋友暢談觀後感；輪椅使用者和其他行動不便的人沒可能走幾層樓梯，品嚐到全城熱讚的私房菜；要求聽障人士打電話到餐廳訂座，更是強人所難。

This might sound like just another ordinary weekend for most people, but for persons with disabilities (PWDs), sharing the fun and excitement of these otherwise mundane activities can be a grave challenge. Autistic children and people facing mental health issues, for instance, may develop hypersensitivity to sound and experience acute feelings of fear and stress in a noisy, bustling area like Mong Kok; persons with visual impairment can hardly understand the plot of a film without a description track or on-site narration, let alone exchanging thoughts with friends after the show; chic restaurants, however inviting their menus and specials may be, remain off-limits to wheelchair users and persons with mobility difficulties if they are located inside buildings without lifts; and needless to say, expecting persons with hearing impairment to make a reservation over the phone is downright insensitive and cruel.



當「健全」人士仍屬大多數、當社會上一切運作已有既定軌跡，普羅大眾無疑缺乏誘因，去設身處地了解「殘疾」人士在生活中面對的重重關卡，然後逐一清除；有人甚至認為，如爭取任何改變，就等同強逼主流社會作出「額外遷就」，是「矯枉過正」、為求「政治正確」的做法。這種論調背後的邏輯很簡單，也很冷酷：「問題出自殘疾人士身上，與人無尤。」



As the dominant group, “able-bodied” people tend to construct and run the world for their own convenience, lacking incentive to walk a mile in the shoes of PWDs and clear the way for their pursuit of a full, fruitful life. Attempts to change the status quo are often greeted with unabashed indifference and at times grossly distorted by the public and pundits alike as over-the-top, politically correct acts of undue charity. Their logic can be summed up in a single, cold-blooded line: why make us pay for their problem?

## 殘疾因環境而生，非個人問題

### *Disability stems not from the individual, but from the environment*

聯合國大會於2006年正式通過《殘疾人權利公約》，序言明確指出「殘疾」並非一個人的固有特徵，而是大眾態度、周遭環境造成的結果。例如火警時，若聾人因聽不到鐘鳴而不能及時逃生，難道要歸咎於聾人，而非大廈未有安裝火警閃燈？《殘疾人權利公約》革命性的地方之一，正正在於它顛覆了社會對於「殘疾」的傳統觀念，明言「殘」非必然，純因環境使然；討論的焦點亦從個人保健和復康的層面，提升到公共政策、社會文化的宏觀分析。

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006 at the United Nations Headquarters. The preamble clearly states that “disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.” In other words, disability is not an intrinsic characteristic of an individual, but rather arises from thoughtless designs of built environments. To give an obvious example, when deaf people fail to get out of the building in a fire because they cannot hear the alarm, what is to blame – the fact that they are deaf, or that no effort was ever made to install a visual fire alarm system? The CRPD is revolutionary precisely because it demystifies the roots of disability – they lie not in “disabled” individuals, but in the environment that disempowers them. Along with this paradigm shift, discussions on disability rights are slowly moving away from a medical model that focuses on treatment and rehabilitation to a socio-cultural one that examines conventional beliefs and their impact on policy-making.



環境造成障礙，障礙深化殘疾人士的困境，「無障礙」的概念乃由此而生。根據《殘疾人權利公約》，殘疾人士有權獨立生活，充分參與生活的各個領域，在無障礙的情況下進出建築物（包括學校、房屋、醫療和工作場所）、使用道路和交通工具、接收資訊、與人通信、享用各種向公眾開放的設施和服務等。因此，締約國有責任採取措施，如制定和落實「無障礙」的最低標準、為各界持份者提供培訓、推廣「通用設計」（意指設計產品、服務或設施時，經已全面考慮兒童、孕婦、長者、跨性別人士、殘疾人士等不同群體的需要，無需事後調整或重建，以免後知後覺、要重新改動而浪費資源），以確保殘疾人士能夠在平等的基礎上，與他人一起學習、工作、消閒玩樂、往來不同地方，進而發揮所長，活出充實的人生。

Hence the notion of accessibility, which recognises the plight of PWDs as the result of avoidable barriers. According to the CRPD, PWDs have the right to live independently and participate fully in all aspects of life, from entering premises (including schools, housing, medical facilities and workplaces) and using roads and transport systems to receiving information, communicating with others and accessing public services. State Parties have the obligation to take appropriate measures, including devising and implementing minimum standards for accessible premises, offering training to stakeholders across different sectors, and promoting the adoption of “universal design”, which refers to the design of products, services and facilities that are inherently sensitive to the diverse needs of different communities, whether they are children, pregnant women, the elderly, transgender people or PWDs, and therefore require no retrofitting effort or extra costs. The aim is to ensure equal opportunities for PWDs to learn, work, shop, travel, seek entertainment and enjoy all that life has to offer, just like others.

## 本港法例存有局限

### *Hong Kong anti-discrimination laws remain flawed*

2008年8月1日，中國政府向聯合國提交批准書，成為《殘疾人權利公約》的第33個締約國。公約於同月31日起在香港特別行政區生效，當中第二條列明，「拒絕提供合理便利」同樣構成殘疾歧視；而合理便利是指在不造成過度負擔的前提下，因應殘疾人士的需要，進行必要和適當的修改和調整。相關措施包括改變實際環境（如為輪椅使用者擴闊大廈門口）、提供輔助設施或服務（如在入學面試為聽障考生安排手語翻譯）和檢討不利於殘疾人士的政策（如容許行動暫時不便的僱員留在家中工作）。

On 1 August 2008, China became the 33rd ratifying country of the CRPD, which entered into force in Hong Kong on 31 August the same year. Unknown to many Hongkongers, denial of reasonable accommodation may constitute disability discrimination, according to Article 2 of the CRPD. Defined as necessary and appropriate arrangements that cater for the needs of PWDs without causing an excessive burden, reasonable accommodation may take the form of modifications to built environments (e.g. widening a building's entrance for wheelchair users), assistive facilities and services (e.g. providing sign language interpretation for candidates with hearing impairment during admission interviews) or accessibility audits on existing policies (e.g. allowing employees with a temporary mobility impairment to work from home).

然而，本港的《殘疾歧視條例》一直未能與公約接軌，無明文規定僱主、學校、以及貨品、服務、設施、住所或其他處所的提供者必須為殘疾人士提供合理的便利措施，令「無障礙社會」淪為空談；條例取態相對被動，只考慮當殘疾人士宣稱受到歧視時，有關人士（如僱主）能否證明「如提供便利，將出現不合情理的困難」以作為抗辯理由，而是否「不合情理」則視乎其財政狀況、便利措施的開支、殘疾人士受惠程度、措施會否導致任何人利益受損等因素。

在歐盟、英國、澳洲等司法管轄區，相關法例均有具體規定，須為殘疾人士作出合理便利。反觀香港，現時的《殘疾歧視條例》顯然不符合人權精神，亦與國際標準脫節，故平機會於2016年向政府提交《歧視條例檢討》意見書，倡議引入提供合理便利的法律責任，並仿效英國模式，清晰界定三種便利形式，包括建築環境、輔助器材、措施或政策，適用於教育、僱傭、貨品、服務、設施和處所提供等範疇；如未能履行責任，即屬歧視。

多年來，在平機會根據四條反歧視條例處理的投訴中，殘疾歧視個案一直佔最高比例。例如2017年平機會合共處理743宗投訴，其中361宗為殘疾歧視的投訴，約佔49%，當中有不少個案牽涉欠缺便利措施的問題，且觸及僱傭、服務提供、處所通道等不同範疇。我們衷心希望政府能展示決心，積極跟進《歧視條例檢討》意見書中的建議，盡快修訂《殘疾歧視條例》，為建設無障礙社會奠定必要的法律基礎。

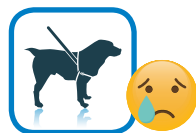


Nevertheless, our current legislation, namely the Disability Discrimination Ordinance (DDO), does not embody the same commitment to advocating accommodating practices. There is no express provision requiring employers, schools and providers of goods, services, facilities, residences or other premises to offer PWDs reasonable accommodation, reducing the Government's efforts in promoting barrier-free design to a toothless talking shop. Under the DDO, the idea of accommodation comes into play only after a claim of discrimination is made – as a factor in determining whether there is a defence against the claim, and whether providing such accommodation would lead to unjustifiable hardship (e.g. incurring heavy financial costs, causing more harm than benefits to parties involved, etc.).

In other jurisdictions such as the European Union, Great Britain in the United Kingdom and Australia, providing reasonable accommodation to PWDs is a distinct, statutory duty. Since the DDO is not fully compliant with international human rights obligations, in 2016 the EOC made a submission on the Discrimination Law Review (DLR) to the Government, recommending the introduction of a new distinct duty to make reasonable accommodation for PWDs in the fields of education, employment, provision of goods, facilities and services, and disposal of premises. In delineating the forms of accommodation to be recognised by the DDO, reference should be made to the British model which covers changes to the physical environment, provision of auxiliary aids, and formulation of relevant measures and policies.

Disability discrimination has consistently dominated the complaints handled by the EOC under the four anti-discrimination ordinances currently in place. Take the year 2017, among the 743 complaints handled by the EOC, around 49% (361 complaints) were related to disability discrimination, with a significant portion involving accessibility issues in buildings, employment and provision of services. The EOC strongly urges the Government to step up its commitment to enhancing the accessibility of our city and revise the DDO based on the recommendations under the DLR. If it is truly determined to build a barrier-free Hong Kong, laying down a solid legal foundation is simply the logical step forward.

# 知多一點點 Did You Know?



## 香港歡迎殘疾人士使用輔助工具 / 動物嗎？ Does Hong Kong welcome PWDs with assistive aids and animals?

香港約有175,000位視障人士，估計至少1,700人可受惠於導盲犬，但《殘疾歧視條例》並無明文保障他們在輔助動物陪同下免受歧視。事實上，部分視障人士曾因攜帶導盲犬而被拒進入餐廳和乘搭交通工具。

There are about 175,000 persons with visual impairment in Hong Kong. While it is estimated that at least 1,700 of them can benefit from using guide dogs, they are not expressly protected from being discriminated against when accompanied by assistive animals under the DDO. In fact, some have been refused access to restaurants and public transport when going out with guide dogs.

VS

社會福利署於2013年6月推出「殘疾僱員支援計劃」，資助僱主購置輔助儀器（如助聽器及點字產品）或改裝工作間（如安裝扶手），協助殘疾僱員執行職務，提高工作效率。每名殘疾僱員可獲的資助上限為兩萬元。

Since June 2013, the Social Welfare Department (SWD) has subsidised local employers to procure assistive devices (e.g. hearing aids and Braille products) and carry out workplace modifications (e.g. installing handrails) via its "Support Programme for Employees with Disabilities". Aimed at enhancing their productivity at work, the programme offers a maximum of \$20,000 for each employee with disabilities.



## 向公眾開放的設施是否暢通易達？ Can everyone navigate public facilities at ease?

部分長者綜合服務中心與商場連結，需推開防煙門、行幾層樓梯才能抵達，或需繞路到附近公屋，使用公屋升降機才能到達中心平台。不少長者因不良於行或嫌麻煩（如被保安質疑非住客），索性放棄接受中心服務或參與中心活動，間接加劇隱蔽長者的問題。

Some integrated service centres for the elderly are only accessible through shopping malls, and users need to push open smoke doors and climb several flights of stairs to get there. Alternatively, one can make a detour to the public housing estate nearby and take a lift to the podium where the centres are located. The trip is too much of a hassle for elders with mobility difficulties and those who fear questions from security guards at the housing estate. They simply stop visiting the centres. Accessibility issues therefore further exacerbate social isolation of elderly people.

VS

隨著無障礙概念漸漸普及，本地的藝術展覽和文化活動場地也開始照顧到不同殘疾人士的需要。今年五月開放的「大館」（其建築群包括三項法定古蹟——前中區警署、中央裁判司署和域多利監獄）便製作了凸字訪客指南，場內亦設有多部升降機、凸字地圖標示和感應式助聽系統。

As knowledge of barrier-free access becomes popularised, operators of art and cultural venues are making a stronger effort to accommodate the needs of different PWDs. Opened in May this year, Tai Kwun – comprised of three declared monuments, namely the former Central Police Station, Central Magistracy and Victoria Prison – offers Braille guidebooks for visitors with visual impairment and has an inductive loop system in place for those using hearing aids. Lifts across the compound also facilitate access to different areas.



## 香港的交通工具稱得上無障礙嗎？ How accessible is public transport in Hong Kong?

平機會去年公布「香港無障礙的士研究報告」，發現本港只有0.5%的士可供輪椅上落，此比例遠低於世界上其他人口及收入水平相若的城市。如政府規定試驗計劃內的600輛優質專營的士採用可供輪椅上落的設計，比例可望由0.5%增至3.6%。

The EOC's "Study on Taxi Accessibility of Hong Kong", released last year, reveals that only 0.5% of taxis in Hong Kong are wheelchair accessible, a percentage significantly lower than that in other cities with similar populations and income levels. If the Government requires the 600 franchised taxis in its premium taxi trial scheme to be designed as wheelchair accessible, the proportion will be lifted to 3.6%.

VS

繼政府今年一月開展低地台公共小巴試驗計劃（往來堅尼地城站和瑪麗醫院的54M號線），第二輛可供輪椅上落的低地台小巴於五月（往來錦英苑和威爾斯親王醫院的808號線）已投入服務，進行實地測試。運輸署會在年底檢討成效，並考慮與業界商討進一步推廣計劃。

Following the launch of the first low-floor, wheelchair-accessible minibus (No. 54M, between Kennedy Town Station and Queen Mary Hospital) in January this year, the Government put a second low-floor minibus into service in May (No. 808, between Kam Ying Court and Prince of Wales Hospital) via a trial scheme. The Transport Department plans to review the scheme by the end of the year and engage industry stakeholders in discussions on the possibility of wider adoption.



## 硬件以外的配套和支援是否足夠？ What support is available beyond hardware fixes?

現時，有特殊教育需要的學童當年齡到達6歲以後，必須退出社會福利署的服務計劃。有父母反映，學校的支援只限於調整功課量、情緒支援和間斷的言語治療，跟學前時期相比，治療和訓練的種類和次數均大減，造成嚴重斷層，令其子女面對更多學習障礙。

At present, children with special education needs (SEN) beyond the age of six are not entitled to services of the Special Child Care Centre under the SWD. Consequently, many of them rely solely on support from their primary schools, which is often restricted to adjustments in homework load and intermittent emotional support and speech therapy sessions. The treatment and training available are lacking, both in terms of variety and frequency, according to some parents. The abrupt drop in support may lead to further learning difficulties for SEN children.

VS

資訊科技發展一日千里，殘疾人士當享有接收資訊的平等權利，共享科技進步的成果。自2013年起，政府資訊科技總監辦公室與平機會合辦「無障礙網頁嘉許計劃」，旨在表揚研發或採用無障礙網站及流動應用程式的企業和機構。2018年，香港互聯網註冊管理有限公司接手主辦計劃，通過其網絡進一步推動無障礙設計。

Information technology is undergoing transformation every second of the day, and we must ensure PWDs share the fruits of these advancements. Since 2013, the Office of the Government Chief Information Officer and the EOC co-organised four editions of the Web Accessibility Recognition Scheme to encourage companies and organisations to design accessible websites and mobile applications. In 2018, the Hong Kong Internet Registration Corporation Limited became the organiser, with plans to further the cause of web accessibility by leveraging its network.



平機會樂見近年香港媒體和大眾對無障礙議題越發關注。然而，就如何加快建設無障礙環境、全面掌握殘疾人士的不同需要等方面，各界持份者的意識均有待進一步提高，例如社署雖已推出「殘疾僱員支援計劃」，但曾有調查發現，仍有30%有意聘用殘疾人士的機構並未知悉此計劃。

The EOC is heartened to see a heightened interest in accessibility issues among the media and the public in recent years. Still, we need concerted effort across all sectors to accelerate the adoption of accessibility designs and policies, in order to root out barriers for different PWDs. Take the SWD's well-meaning Support Programme for Employees with Disabilities as an example. Research shows that among organisations interested in hiring PWDs, 30% are unaware of the programme.

誠然，「健全」人士事不關己的態度，並非一朝一夕所能改變。但換個角度看，隨著香港人口急劇老化（五十年後將有超過三分之一人口達六十五歲或以上之高齡），能眼觀四處、耳聽八方、健步如飛的人將漸漸減少，社會對無障礙設施的需求亦只會有增無減。莫非真的要待自己行動不便之時，方能體會無障礙環境的重要性？

Without a doubt, lifting "able-bodied" people out of their apathy is no easy task. But it only takes a moment to envisage the future of our rapidly ageing city: in 50 years, more than one third of Hong Kong's population will reach the age 65 or above, and the number of people with visual impairment, hearing difficulties or mobility restrictions will rise dramatically. Pushing for barrier-free environments is not only the moral thing to do, but also a practical and necessary solution to an impending challenge.



無障

香港

障礙重重？

Enhancing Accessibility  
of Premises:

# What's Blocking the Way

為了推行無障礙環境，政府先後在1997年及2008年推出《設計手冊：暢通無阻的通道》（簡稱《設計手冊1997》及《設計手冊2008》），要求所有負責設計和興建政府建築物、公共房屋、道路和交通設施的部門和機構，必須依據《設計手冊》要求，設置及提供無障礙設施。2010年6月，平機會公布《公眾可進出的處所無障礙通道及設施正式調查報告》，同年11月又向發展局提交一份有關建設無障礙城市的建議書。多年過去，究竟香港的無障礙環境有否得到改善？殘疾人士是否真的可享有無障礙生活，暢通無阻地前往城市內的不同角落？

In 1997, in the hope of promoting the creation of a barrier-free society, the Government issued the first edition of its Design Manual: Barrier Free Access (“DM 1997”). An updated version was published in 2008 (“DM 2008”); all Government departments and organisations responsible for the design and construction of Government buildings, public housing units, roads and transport facilities are required to comply with the accessibility standards set out in DM 2008. Notwithstanding the update, the provision of barrier-free facilities at public premises remained far from satisfactory, according to the EOC’s report on the “Formal Investigation on Accessibility in Publicly Accessible Premises” released in June 2010. Subsequently, the EOC submitted to the Development Bureau in November the same year recommendations for making Hong Kong a barrier-free city. Years have gone by since these moves were made to enhance the accessibility of the physical environment in Hong Kong. Where are we standing now exactly? Can PWDs finally navigate the city independently and without hassle?

自《殘疾歧視條例》於1996年生效，平機會一直負責執行該條例。多年來，平機會持續接獲市民有關通道設施的投訴。2012年，平機會代表一名輪椅使用者提出法律訴訟，控告其所住大廈的業主立案法團，拒絕在大廈正門興建斜道，令她無法自行出入該大廈。2014年，平機會接獲市民投訴，指其寓所附近的餐廳門口有一級樓梯，每次進入都需要餐廳員工協助，但店主卻吩咐員工不可協助她，以免發生意外時需負上責任。2015年，平機會代表一名輪椅使用者提出訴訟，該名人士投訴一家酒樓將附設的暢通易達（簡稱「通達」）洗手間用作儲物室存放雜物，令有需要人士未能使用。事實上，這些投訴多年來從沒間斷。

Since the enactment of the Disability Discrimination Ordinance (DDO) in 1996, accessibility issues have consistently accounted for a significant portion of the complaints received by the EOC. In 2012, the EOC brought a case to the court on behalf of a wheelchair user against the Owners’ Corporation of the building where she resided, for refusing to construct a ramp at the main entrance of the building. In 2014, a woman lodged a complaint with the EOC about a restaurant near her home. There was a step at the restaurant’s entrance, and she needed assistance from the staff every time she visited there. However, the owner instructed the staff not to assist her, fearing liability in the case of an accident. In 2015, the EOC issued legal proceedings on behalf of a wheelchair user against a restaurant, where the barrier-free washroom was used as a storeroom. Indeed, the lack or misuse of barrier-free facilities continues to dominate complaints lodged under the DDO.

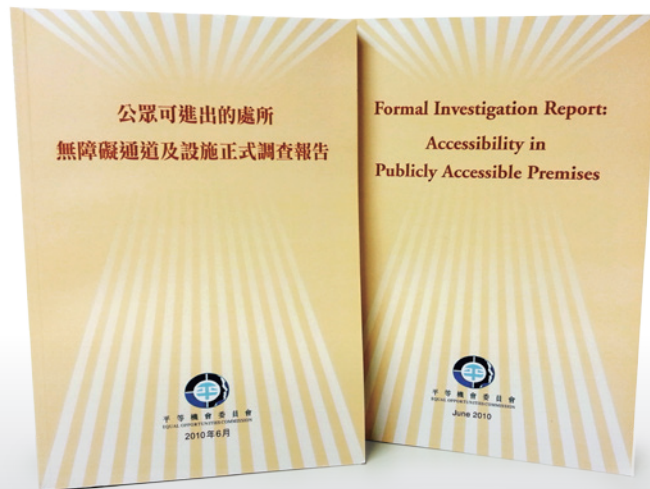


# 平機會正式調查

## EOC launched formal investigation

早於2006年，平機會認為以處理投訴的方式來糾正個別通道和設施障礙的問題，並非最有效的解決方法，遂決定根據《殘疾歧視條例》，展開正式調查，針對60處由香港房屋委員會（房委會）、香港房屋協會（房協）、領展資產管理有限公司（前領匯管理有限公司）和政府所興建、擁有或管理的屋邨、商場、停車場、建築物及辦公室等，進行巡查審核，以識別出殘疾人士在使用通道和有關設施時遇到的困難。

平機會於2010年公布調查結果，發現雖然較多1997年後興建的處所能符合《設計手冊1997》和《設計手冊2008》的規定，但政府物業提供無障礙設施的情況遠遠未能令人滿意，尤其是1997年前興建的建築物始終是殘疾人士的重大障礙。事實上，《設計手冊》只能監管手冊推出後落成的建築物，對於舊有建築物並無追溯力，不能強制所有舊有建築物符合手冊內的標準，除非建築物進行大型維修或改建。另外，《設計手冊》亦分開「強制部分」的設計規定及建議遵守的設計標準，後者並無法例約束須強制執行，發展商和建築商可選擇不依據手冊進行設計。



左圖：平機會於2010年公布的《公眾可進出的處所無障礙通道及設施正式調查報告》

On the left: "Formal Investigation Report: Accessibility in Publicly Accessible Premises" issued by EOC in 2010

As early as 2006, the EOC reckoned that addressing accessibility issues through complaint handling and scattered retrofitting works on individual premises might not be an effective solution. As a result, the EOC conducted an extensive formal investigation covering 60 premises within the housing estates, commercial centres, car parks, buildings and offices built, owned or managed by the Housing Authority (HA), Hong Kong Housing Society (HKHS), Link Asset Management Limited (formerly The Link Management Limited) and the Government, with an eye on the difficulties PWDs encounter when accessing or using the facilities therein.

As revealed in the investigation's report in 2010, although the premises built after 1997 showed higher levels of compliance with DM 1997 and DM 2008, the provision of barrier-free facilities at Government-owned premises was far from satisfactory. In particular, access to buildings constructed before 1997 remained ridden with barriers for PWDs. The truth is, only buildings completed after the release of the design manual are subject to its requirements; the manual does not have retrospective effect on buildings constructed prior to its release, until and unless they undergo large-scale renovation or reconstruction. What is more, the design requirements stated in the manual are divided into two categories, namely, "obligatory" and "recommended". Developers and builders lack incentive to comply with standards in the latter category, as they are non-mandatory.

平機會於調查報告內向政府作出了一系列建議，包括制定整體策略，針對殘疾人士的需要，定出長期行動方案和具體時間表，進行基建和改善工程。因應平機會的報告，政府展開涉及13億元的大型改善工程計劃，牽涉3,500個政府處所和設施，而房委會亦為約240個公共屋邨提升無障礙設施。政府並於轄下部門及房委會場地委任無障礙經理及無障礙主任，以加強場地的日常管理，提高管理人員對無障礙事宜的認識，更有效地跟進殘疾人士對無障礙設施的需要。另外，行政長官於2012年宣布推出「人人暢道通行」計劃，優化公共行人通道的無障礙設施，在適當地點加設升降機，方便市民上落天橋。

The EOC made a series of recommendations to the Government in its report, including the formulation of an overarching, comprehensive strategy to address the needs of PWDs and a long-term action plan with clear timetable for carrying out infrastructure and retrofitting works. In response, the Government rolled out a \$1.3-billion retrofitting programme involving 3,500 Government premises and facilities. The HA also enhanced barrier-free facilities at 240 public housing estates. Access Co-ordinators and Access Officers have been appointed at Government and HA venues to strengthen awareness of accessibility issues in property management and to serve PWDs in a more effective manner. In addition, in 2012 the Chief Executive announced the launch of the Universal Accessibility Programme, which aimed to further elevate the accessibility of the city's physical environment by retrofitting lifts and other barrier-free facilities at public walkways.

## 無障礙問題仍持續出現 Barriers to navigation persist

政府及房委會進行的改善工程已於2014年大致完成。然而，有關無障礙通道及設施的問題仍持續出現，無論是在商場、公園、圖書館、體育館、行人過路處、巴士站或公廁等。今年四月審計署便發表有關融合教育的工作報告，指出截至2018年2月底，共有110間學校向教育局申請安裝升降機，但只有42宗申請獲批。至於68宗未獲批的，當中有超過四成是在至少六年前已遞交申請，有三宗更是等足十年仍未獲批，導致不少患病和行動不便的學生被逼轉校。

今年3月社會服務機構「親切」公布「商場無障礙環境：肢障及視障人士參與現況調查」，發現高達七成商場的設計不達標，包括缺乏供視障人士使用的引路

The Government and HA's retrofitting programme was largely completed in 2014. However, accessibility problems have not stopped sprouting up at shopping malls, parks, libraries, sports centres, pedestrian crossings, bus stops and public toilets among other places. According to a report on integrated education released by the Audit Commission in April this year, the Education Bureau had received applications from 110 public schools for installing lifts on the campus as of end-February 2018, but only 42 applications had been approved. Over 40% of the other 68 applications were filed at least six years ago, with three cases stuck in the queue for as long as 10 years. At this rate, no wonder many students with disabilities or restrictions in bodily movement have been forced to transfer to other schools.

In March this year, the non-profit organisation Treats released the findings of an accessibility study on shopping centres in Hong Kong. About 70% of the shopping centres surveyed failed to meet the DM 2008 requirements, such as providing Braille maps and tactile guide paths. More than 90% of the respondents,



帶，以及觸感點字地圖等。另外，9成多的肢體殘障及視障受訪者表示，於逛商場時曾受到商戶惡劣態度對待，另有8成曾遭市民歧視，包括不友善眼光和言論，以至受到排擠等。

這些問題都顯示，現時殘疾人士在使用公共設施和通道上仍面對不少障礙。事實上，對於公共處所欠缺無障礙通道，政府一直被批評執法不力。例如有屋邨連接商場的斜道被加建鐵柱，令輪椅人士無法使用，還有通達洗手間長期上鎖，經市民多番投訴仍沒妥善處理。另外，對於無障礙設施的設計、興建及管理，政府亦缺乏統籌機

制，不同公共處所由不同部門負責：政府建築物由建築署負責設計和興建，公共房屋由房屋署和房委會負責，至於公共洗手間則由建築署興建、食物及環境衛生署負責管理，這樣難免會導致管理和監察上出現不協調的情況。

更甚的是，由於政府以「不可分割業權份數」的形式出售了一些租置屋邨的商場及停車場等資產，導致公共地方業權分散。近日便有傳媒報導，粉嶺華明邨內連接兩座商場的斜道早已建成，只需加設盲人引路徑即可開放給公眾使用，方便輪椅及嬰兒車使用者出入，但由於引路徑將佔用部分公共地方，業主立案法團、領展及有關方面未能就維修費用及法律責任達成共識，導致斜道被圍封不能使用，居民被逼繞一大個圈來回商場。



上圖：為視障人士鋪設的引導徑  
Photo above: Tactile guide path for persons with visual impairment

who were persons with physical or visual impairment, said that they had been treated poorly by shop owners or sales assistants at malls before. Another 80% said that they had been subject to discriminatory attitudes, reflected in unfriendly stares, hostile remarks and sometimes outright rejection.

Evidently, the barriers confronting PWDs at public premises are still deeply entrenched. In fact, the Government has long been criticised for ineffective law enforcement, which leads to persistent accessibility problems at some public premises, whether it is a ramp connecting a housing estate and a shopping centre that, for some absurd reason, has an iron bollard drilled right through it, or a barrier-free toilet that is locked all the time. To exacerbate the situation, the Government has yet to devise a mechanism to coordinate the design, construction and management of all barrier-free facilities. Different public premises are under the remit of different departments, with the Architectural Services Department (ASD) designing and constructing Government buildings, the Housing Department and the HA responsible for public housing estates, and the ASD and the Food and Environmental Hygiene Department building and managing public toilets respectively. It comes as no surprise that the management of public premises and the monitoring of their accessibility facilities appear to be a shoddily coordinated mess at times.

Another hurdle stems from the fragmented ownership of public space, especially in the case of estates under the Tenants Purchase Scheme, where the Government has sold off shopping centres and car parks in the form of undivided shares. The Wah Ming Estate in Fanling is a case in point, as highlighted in recent news reports. The ramp connecting the two shopping centres there has been built for some time, and once the accompanying tactile guide path is installed (which is a DM 2008 requirement), the facilities can be opened to the public, allowing wheelchair users and persons with a baby carriage to navigate between the two centres with ease. However, since the tactile guide path would extend into the public area, the Owners' Corporation, Link REIT and other parties concerned could not reach a consensus as to who should bear the maintenance costs and other liabilities. As a result, the whole entrance has been blocked off and the residents have no option but to make a "detour".

## 正視無障礙問題 廣泛採納通用設計

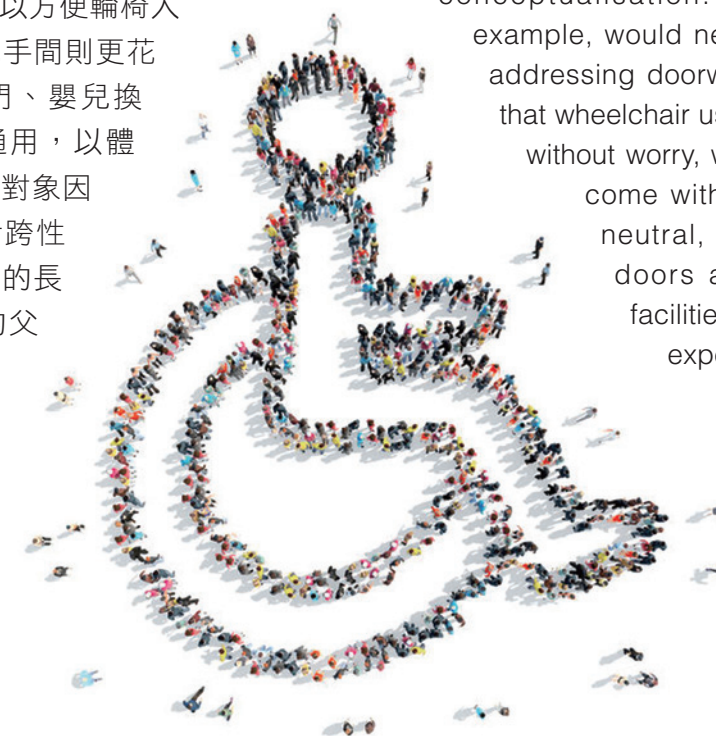
### Universal design is the way to go

早於2010年，平機會已建議政府針對殘疾人士需要，制定整體策略，並成立高層次的中央統籌機制，提升公共處所的無障礙設施和通道。平機會並建議政府採用「通用設計」(universal design)原則，建造共融社會。「通用設計」又名全民設計及全方位設計，即是無須經改裝或特別設計來配合弱勢的需要，一開始進行設計時便加入共融的概念，考慮不同人的需求。通用設計的其中一個原則是公平使用，即社會上不同人士都可使用，對任何使用者不會造成傷害或令其受窘。

無障礙設計與通用設計的分別是，前者只根據殘疾人士的需要作出調整，而後者則先知先覺，且同時照顧所有人的需要，包括高齡人士、孕婦、小孩等等。舉例說，無障礙洗手間強調門口闊度、轉動空間必須充足等，以方便輪椅人士使用；而通用洗手間則更花心思，裝有自動門、嬰兒換片架，而且男女通用，以體現性別友善，服務對象因而更為廣泛，包括跨性別人士、行動不便的長者、有嬰兒同行的父母等。

Since 2010, the EOC has urged the Government to develop a holistic, overarching policy strategy to answer the needs of PWDs, coupled with a top-level, centralised mechanism to coordinate the enhancement of accessibility facilities at public premises. And for the longer term, we believe that accelerating the adoption of universal design is key to taking our city's accessibility to a new level. Facilities that embody the spirit of universal design are highly conscious of the diverse needs of different vulnerable groups, and endeavour to serve all communities from the very beginning of their conception, instead of resorting to retrofitting works after completion. One of the principles of universal design is fair usage, which means every person in society can enjoy its benefits without suffering harm or embarrassment.

In other words, there is a qualitative difference between barrier-free and universal designs: whereas the former makes adjustments or alterations to an established facility or environment for PWDs, the latter seeks to accommodate the needs of all demographics as early as in the stage of conceptualisation. A barrier-free washroom, for example, would need to comply with requirements addressing doorway widths and turning space so that wheelchair users could go about their business without worry, while a universal washroom would come with many more features – gender-neutral, opening with automatic sliding doors and fitted with baby-changing facilities, thereby making the toilet-going experience effortless and dignified for transgender people, the elderly and parents with their babies and toddlers.





近年歐美各地均採用通用設計的原則。觀乎亞洲區其他地方，新加坡的建設局(Building and Construction Authority)設有通用設計部門，並舉辦通用設計周推廣此概念，曾獲聯合國讚賞。在日本，通用設計應用更為廣泛，企業紛紛推出相關產品，以回應社會老齡化的需要。

隨著本港人口急劇老化，當局應加大力度推動各界廣泛採納「通用設計」原則，以符合不同年齡層、不同性別、不同身形、行動不便、智力受到障礙的人的需要。事實上，若香港要成為具競爭力、可持續發展的宜居城市，必須積極改善無障礙環境，建造真正共融無障的社會，包容不同需要的人士，讓他們都可獨立自主地生活，輕鬆地往來這城市當中。

In recent years, the principles of universal design have been increasingly adopted in Europe and America. The trend is also picking up in Asia, with Singapore having formed a dedicated department for universal design under the Building and Construction Authority. The department was commended by the United Nations for building a friendly environment based on universal design and promoting the concept through initiatives such as the Universal Design Week. In Japan, manufacturers have widely adopted universal design principles in producing a variety of products targeted at the elderly in an ageing society.

Hong Kong's population is ageing rapidly, and the Government should waste no time in driving all sectors to adopt the principles of universal design, in order to accommodate the needs of our city's dwellers, irrespective of age, gender, physique, mobility, intellectual ability and health conditions. Indeed, if Hong Kong wants to pride itself on being a sustainable, liveable and competitive city, we must work towards clearing our environment of its barriers, making our society inclusive for all, and empowering everyone to reach the places they dream of going.

## 多走一步 建設共融社會

### Taking a further step to build an inclusive society

平機會於2015年接獲馬鞍山恆安邨的居民投訴，指領展未有為邨內街市的入口設置無障礙通道，令她無法前往購物，違反《殘疾歧視條例》。

平機會發現多年來，街市的主要出入口只有樓梯，令到輪椅使用者、行動不便及年長人士難以到達街市購物。雖然街市設有運貨升降機，但據居民及社區工作者表示，升降機經常進行維修，而且與街市有一段距離，甚為不便；人貨共用升降機的情況亦不理想，居民往往因擠逼產生磨擦。

In 2015, the EOC received a complaint lodged by a resident of Heng On Estate, Ma On Shan, alleging that Link REIT had breached the Disability Discrimination Ordinance for refusing to provide a barrier-free entrance to the market, making it impossible for her to buy food at the market.

The EOC found that, for many years, there were only stairs at the main entrance of the market, which deterred wheelchair users, persons with mobility restrictions and the elderly from accessing the market. Although there was a cargo lift, according to the residents and community workers, it was often under repair. In addition, the cargo lift was located far away from the stalls, not to mention the fact that it was not desirable for the residents to share the same lift with cargo and goods. In fact, the residents often had squabbles due to congestion in the cargo lift.



上圖：馬鞍山恆安邨街市入口的無障礙通道  
Photo above: Barrier-free entrance to the market at Heng On Estate, Ma On Shan

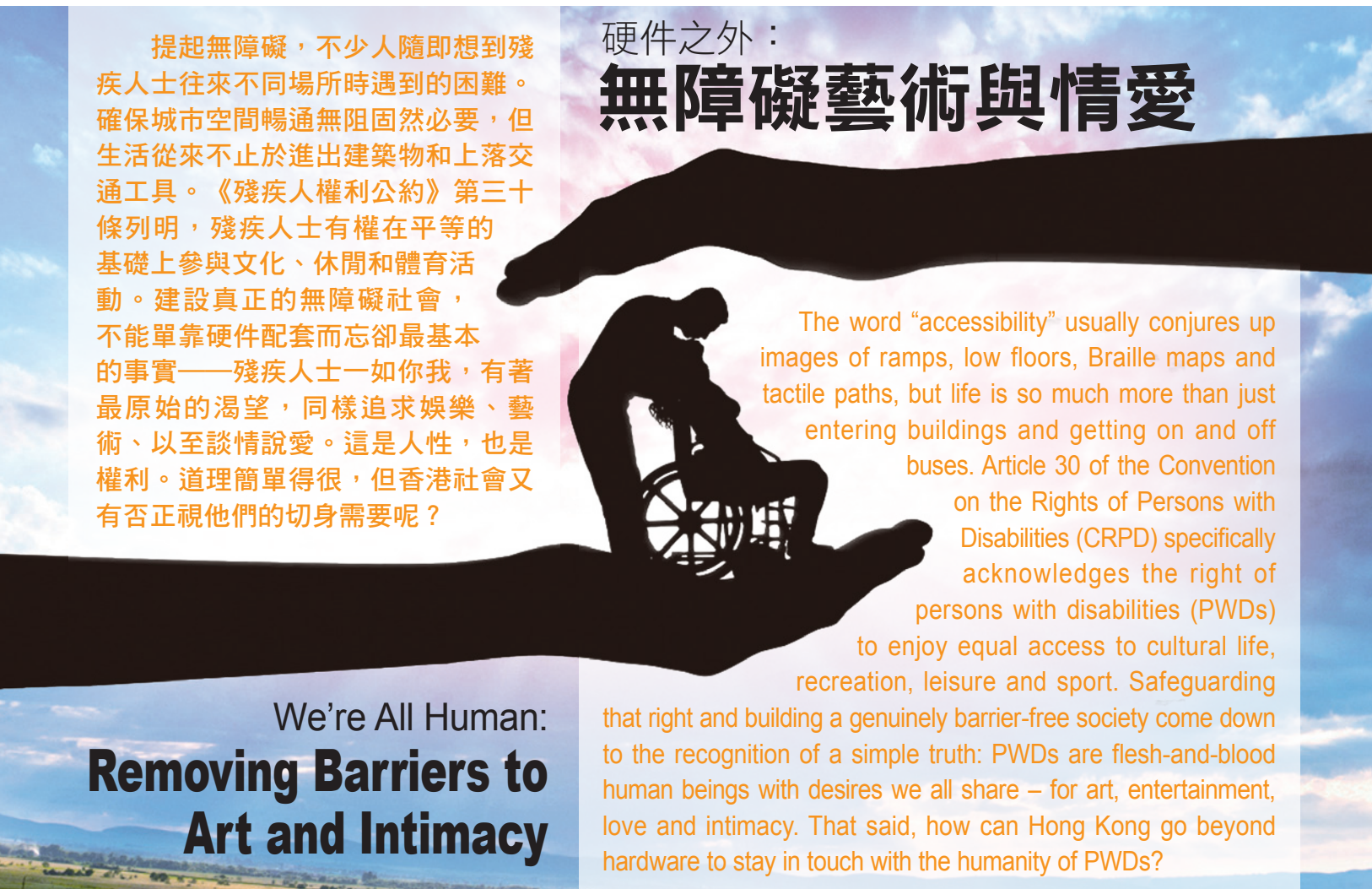
平機會收到投訴後，嘗試透過調停為有關人士解決問題。然而，由於恆安邨是租者有其屋計劃的一個公共屋邨，約八成單位已出售，因此屋邨的公共地方牽涉多方的業權。即使領展願意為街市出入口設置斜道，若得不到業主立案法團的同意，亦不能展開工程。另外，對於斜道的長遠維修責任，有關方面亦出現不同意見，亦因此令問題膠著，未能解決。

2016年投訴人不幸去世，在沒有投訴人的情況下，平機會難以跟進投訴。平機會其後收到另一位居民的投訴，但當平機會嘗試聯絡投訴人及其代表時，卻不得要領。但平機會沒有因此放棄，平機會的營運總裁陳奕民先生決定親自介入，在投訴機制以外跟進事件，再次約見領展及業主立案法團主事人商談，探討不同解決方案及利弊。最終領展找到合適的地點設置斜道，還承諾負責日後的維修費用。今年一月該斜道的工程完成，多年來困擾居民的出入口問題終於得以解決。

After receiving the complaint, the EOC tried to solve the problem by conciliation. However, Heng On Estate is a public housing estate under the Tenants Purchase Scheme, where about 80% of the units are under private ownership, meaning that the ownership of the public areas in the estate is split between many parties. Even though Link REIT was willing to build a ramp at the market entrance, the works could not be done without consent from the Owners' Corporation. Opinion was also divided over who should be responsible for the maintenance of the ramp in the long run. The talks came to a standstill.

The complainant passed away in 2016. Without a complainant, the EOC could no longer pursue the case. Later, the EOC received a complaint lodged by another resident, but failed to get in touch with the new complainant and his representative. Nonetheless, that did not discourage the EOC from striving to right the wrong. Mr Michael CHAN, Chief Operations Officer of the EOC, decided to take a step further. He followed up on the case personally and, as an alternative to complaint handling, met with representatives from Link REIT and the Owners' Corporation. They discussed various solutions and examined the pros and cons of each and every one of them. Eventually, a perfect location for the ramp was identified by Link REIT, who also promised to bear maintenance costs after construction. In January this year, the ramp was completed, sending the residents a piece of happy news to start off the year.





提起無障礙，不少人隨即想到殘疾人士往來不同場所時遇到的困難。確保城市空間暢通無阻固然必要，但生活從來不止於進出建築物和上落交通工具。《殘疾人權利公約》第三十條列明，殘疾人士有權在平等的基礎上參與文化、休閒和體育活動。建設真正的無障礙社會，不能單靠硬件配套而忘卻最基本的事實——殘疾人士一如你我，有著最原始的渴望，同樣追求娛樂、藝術、以至談情說愛。這是人性，也是權利。道理簡單得很，但香港社會又有否正視他們的切身需要呢？

## We're All Human: Removing Barriers to Art and Intimacy

### 本港法例不改 口述影像難普及 Audio description services unlikely to become a norm without legal reform

鍾勵君（Michele）曾任職於香港展能藝術會，深信藝術也要「通達」，不能將殘疾人士摒除在外。她於2016年創辦「囂民集作」，為電影、舞台劇和博物館展覽提供現場口述影像和導賞服務，讓視障人士能掌握內容，進而享受散場後與朋友討論的樂趣。有別於大型機構，「囂民集作」不用寫報告給出資者，沒有「跑數」壓力，故能與「人權紀錄片電影節」等較小眾的活動合作，並透過培訓、工作坊等進行倡議，強調

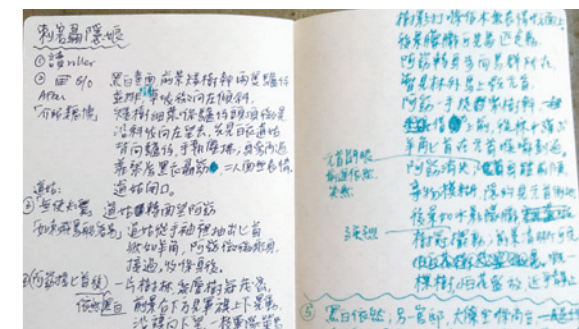
## 硬件之外： 無障礙藝術與情愛

The word “accessibility” usually conjures up images of ramps, low floors, Braille maps and tactile paths, but life is so much more than just entering buildings and getting on and off buses. Article 30 of the Convention on the Rights of Persons with Disabilities (CRPD) specifically acknowledges the right of persons with disabilities (PWDs) to enjoy equal access to cultural life, recreation, leisure and sport. Safeguarding that right and building a genuinely barrier-free society come down to the recognition of a simple truth: PWDs are flesh-and-blood human beings with desires we all share – for art, entertainment, love and intimacy. That said, how can Hong Kong go beyond hardware to stay in touch with the humanity of PWDs?

A former employee of Arts With the Disabled Association Hong Kong, Michele CHUNG firmly believes that PWDs have a fundamental right to participate in art. In 2016, she founded The Human Commons to provide live audio description (AD) services for people with visual impairment at cultural events, such as film screenings, drama shows and museum tours. Unlike larger organisations which often have to churn out impressive statistics and answer to funders, The Human Commons has free rein to work with less mainstream events like the Human Rights Documentary Film Festival

通達服務並非「額外找資源做慈善工作」，而是「應做的事」，賦予殘疾人士本該享有的權利。

所謂口述影像，是指在沒有對白時，扼要地描述銀幕或舞台上的情景。Michele指，準備講稿時必須反覆觀看作品：「以電影為例，第一次看是純粹觀賞，第二次要記下與故事有關、但對白未能交代的視覺資訊，並著手寫草稿；第三次則一邊看，一邊修改，一邊練習。」時間拿捏尤其重要，若口述部分與電影對白或聲效重疊（俗稱「撞咀」），視障觀眾便會一頭霧水。用字亦需配合電影意境，如侯孝賢導演的武俠電影《刺客聶隱娘》，鏡頭富有詩意，Michele的講稿儼如一首新詩：「一片樹林，幾層樹冠茂密，前景右下方軍旗上下晃動，沿旗向下望，一支軍隊策馬向右前進。」



上圖：Michele的口述影像手稿

Photo above: AD script hand-written by Michele

如此專業的服務能在香港普及化嗎？現時，香港的視障人士如想在戲院看口述電影，只能選擇民間團體和電影公司預先安排的特別場，非常不便。解決辦法之一，是預錄旁白，再由戲院播放口述聲道，開場前將耳機借給視障觀眾。今年5月，UA青衣及銅鑼灣影院便引入了視障與聽障輔助裝置借用服務。然而，UA院線董事總經理黃嗣輝在媒體訪問中坦言，面對著「雞與雞蛋」的問題，服務短期內難以普及：電影公司眼見大

while conducting training workshops to advocate the idea that providing accessibility services should not be seen as a charitable gesture, but rather an obligation.

AD refers to narration of the happenings on stage or on screen when there is no dialogue. One must view the work over and over again when developing the script. “Let’s say you’re working on a movie. The first time you watch it, just sit back and enjoy. When you watch it for the second time, take notes of any visual information that’s relevant to the story and not delivered by the dialogue. That’s also when you start drafting the script. And on the third viewing, you practise as much as you can, all the while refining the script,” said Michele. Not only must the narration be timed with perfect accuracy – as any overlaps with the dialogue or sound effects of the movie would disorient and confuse the audience – but its word choice must also match the ambience of the movie. *The Assassin*, the multiple-award winning wuxia drama helmed by Taiwanese director Hou Hsiao-hsien, for instance, is known for its poetic cinematography, and Michele’s script echoes precisely that lyricism: “A vast forest stretches ahead, the tree crowns dense and thick. In the foreground, at the bottom right, an army’s flag waves in the wind. Further down, we see a battalion spurring their horses and advancing to the right.”

Currently, AD services are not at all common in Hong Kong. A person with visual impairment who wishes to see a movie with AD can only choose from one-off screenings specially arranged by NGOs and film distributors, unlike other movie-goers who get to pick screening times that best fit their schedule. One solution is to produce an AD track in advance, so that audiences with visual impairment can join the regular screenings and request a headphone from the cinema to listen to the pre-recorded track. In fact, in May this year, UA Cinema Circuit Limited began offering assistive devices for viewers with visual and hearing impairment at its Tsing Yi and Causeway Bay theatres. In a media interview, however, UA’s Managing Director, Mr Ivan WONG admitted that he does not see the arrangement becoming a widely adopted practice in Hong Kong any time soon. It is a chicken and egg question: film



部分戲院均沒有配套設施，因此不會製作口述聲軌；院商則由於電影公司沒有準備口述聲軌，缺乏誘因添置輔助設備。即使部分荷里活電影有英語口述頻道，在港上映時，本地發行商亦不會錄製廣東話口述聲軌。

香港視障人口約17.5萬，未嘗不是可觀的市場，從商業角度鼓勵業界推動口述影像是否可行？Michele直指這種思維令問題失焦，認為重點不在於有沒有商

機，而是香港政府以至整個社會能否拿出決心，履行《殘疾人權利公約》的根本精神，讓殘疾人士在平等的基礎上參與生活各個領域，而各界別亦有責任相應地提供合理便利。她提到美國有法例規定，如果一部電影本身附有口述聲道，院商必須在放映時提供輔助設備。回望香港，《殘疾歧視條例》無明文規定服務提供者必須為殘疾人士提供合理便利。無法即無力，業界採取冷淡態度，是意料中事。



上圖：聾民集作創辦人鍾勵君  
Photo above: Michele CHUNG, founder of The Human Commons

companies do not see the need to produce AD tracks because most cinemas are not equipped with assistive devices, while cinema operators remain lukewarm towards buying these devices because film companies do not provide AD tracks for the movies they produce or distribute. Even when a Hollywood blockbuster with an English AD track hits Hong Kong theatres, the local distributor would rarely produce an AD track in Cantonese.

There is an estimated 175,000 people with visual impairment in Hong Kong. While some may say it is a sizable untapped market, Michele argues that whether or not AD services make business sense is beside the point; if the Government and our society truly identify with the CRPD's purpose, that is, protecting PWDs' right to participate in all aspects of life on an equal basis with others, then providing reasonable accommodation in the form of AD services is a duty, not an option. In a similar spirit, cinema operators in the United States are required by law to provide assistive devices for patrons with hearing impairment if the movie they are showing comes with an AD track. In Hong Kong, the Disability Discrimination Ordinance does not have an express provision requiring service providers to offer PWDs reasonable accommodation. Without filling this gap, the industry's heavyweights and stakeholders are unlikely to have a change of heart and make a move.

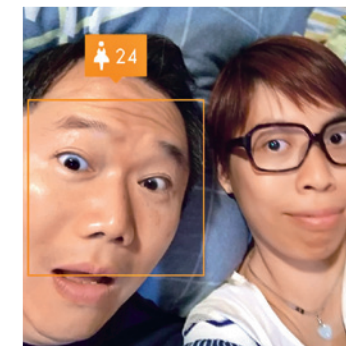
## 解開禁忌 親密關係非奢侈品 Intimacy should not be a luxury for PWDs

要糾正的思想，還有很多。先勿論文化和藝術活動，談情說愛、體驗歡愉、發展親密關係本是人類生活最自然的一環，但在香港，殘疾人士在這方面的需要卻恍如禁忌，鮮有公眾討論。「復康在職達人」游家敏曾在傳媒訪問中道破背後的意識形態：「第一，社會強調你要先處理好自己問題，才有資格講性；第二，社會把愛情、性跟家庭拉上關係，覺得殘

When it comes to promoting PWDs' rights, Hong Kong has many more myths to debunk. Arts and culture aside, bodily pleasure and intimate relationships – a fundamental dimension of human life – seem to be an eternal taboo in discussions around PWDs. Carman YUEN, winner of the “LiveDriver” honour, once said in an interview: “Most people expect you to deal with your condition first, and sex can only come after that. They also believe that sex is wrong unless it happens within the

疾人士不能建立正常家庭。」

邱慧明 (Chris) 是過來人，自幼患有腓骨肌肉萎縮症，雙腳自膝部以下受到病症影響，但行動尚算自如。她亦有另一個身份——雙性戀者，中學時看到外型吸引的男、女同學會心跳加速。Chris和全癱的丈夫相識十七年，一直瞞著母親，直到十年前結婚、註冊那天才有勇氣相告。「她會擔心，你本身已有障礙，伴侶也是殘疾人士，哪有能力互相照顧？」Chris自有方法，與家傭分工合作，輪流做好丈夫的護理工作。支撐著夫妻關係的，是真摯的感情和美好的回憶：「他知道我對花粉敏感，之前情人節特意送了盒裝玫瑰花給我。猶記得初次見面，他坐在一架很大的電動輪椅上，因為我沒見過，覺得新奇之餘，也被他陽光、開朗的性格感染。直到現在，他還是會拖著我的手，一起入睡。」Chris續說，作為雙性戀者，她比異性戀的殘疾人士承受多一重的歧視目光，幸而丈夫完全接納了自己的性傾向：「我跟他出櫃時，他只說了一句：『沒問題，你現在愛的是我嘛。』」



上圖：邱慧明與丈夫合照  
Photo above: Chris YAU and her husband

談到性生活，Chris笑言二人花了不少時間一起揣摩技巧、了解對方的需要和喜好。對於社會漠視殘疾人士的情與性，Chris感到無奈：「大家總是覺得，我們談情說性是奢想，而不是權利；家長則擔心子女會受騙，被人傷害。其實，智障的朋友也會有性需要，全癱的人也可以有正常的性功能。」曾有殘疾朋友告訴Chris，因性生活不愉快而害怕被伴侶嫌棄，亦有朋友因缺乏安全性行為知識而懷孕，更有家長表示想替子女安排切除性器官，「免除後患」。事實上，社會福利署和家計會曾為智障人士推出性教育教材套，但公共政策的敏

context of romance or family.” Because PWDs are readily perceived as incapable of forming normal families, they have become asexual beings in the popular imagination.

Chris YAU is no stranger to these assumptions. Although afflicted with Charcot-Marie-Tooth disease which affects her legs from the knee down, she travels with relative ease. The condition is far from the entirety of her identity, for Chris proudly identifies herself as bisexual and recalls being attracted to both boys and girls as early as in her secondary school days. She has been in a 17-year relationship with her husband, who suffers from tetraplegia. Not until 10 years ago when they got married, did Chris muster the courage to tell her mother about the relationship. “She would worry that we wouldn't be able to look after each other, given that I'm a PWD myself,” Chris said, adding that she has been doing just fine with the

help of a domestic helper. Marriage is never easy, and for Chris, it is her husband's tender affection and the sweet memories they share that keep it afloat: “He once bought me a rose encased in a beautiful box on Valentine's Day, knowing that I am allergic to flower pollen. Even now, he likes to hold my hand before he falls asleep.” An open heart and mind also helped him embrace her bisexuality, an identity that otherwise doubles the prejudice she faces in life. “When I came out to him, he simply said, ‘No problem, as long as you're in love with me right now.’”

Turning to matters of the bedroom, Chris said it is a learning process for both of them, with techniques tried out, feelings listened to, and boundaries negotiated constantly. “In people's mind, dating and making love is never a right for PWDs; it's a luxury. Parents of PWDs, in particular, fear that their children would fall victim to some scam. This has led to misconceptions, such as persons with intellectual disabilities have no sexual desire, or that people with tetraplegia also suffer from sexual dysfunction.” Chris has seen friends struggling with their sex lives and feeling inferior before their able-bodied partners; others did not practise safe sex and got pregnant by accident; some parents even considered



感度以至社會意識仍有待進一步提升。例如本港並沒有針對已婚夫婦而設的殘疾人士院舍，而院舍亦需培訓護理員，以健康的態度面對殘疾人士的性需要，如遇到院友自慰時，不用立即責備或大驚小怪。

香港婦女基督徒協會於2015年出版了《有愛無陷——殘障者的情與性》，收集了十多個殘疾人士的故事，鼓勵大眾了解他們在情慾、戀愛和婚姻方面的經驗。媒體亦有報道，部分情趣用品商店計劃為殘疾人士增設服務，安排上門送貨或在醫院交收。外國早已走得更前：日本有廠商研發輔助式性玩具、台灣有「手天使」義工上門為殘疾人士解決性需要、英國亦有團體為殘疾人士轉介性工作，當中難免出現法律和道德爭議。或許，最重要的是讓一切討論復歸理性，且不忘初衷：貫徹無障礙理念，讓殘疾人士得到平等的機會，活出充實的人生。



上圖：邱慧明指，談情說愛是基本人權。

Photo above: Chris YAU believes the pursuit of love and intimacy is a basic human right.

surgical procedures to remove their children's genitals. While the Social Welfare Department and the Family Planning Association have introduced sex education resources targeted at PWDs over the years, there is a need for policies with more human touch. Examples include setting up residential care homes that allow married couples with disabilities to share a room, and providing sensitivity training to caretakers so that they would not panic or throw a fit at the sight of a resident masturbating.

Recently, more PWDs have come forward to dismantle the taboo with their own stories, some 10 of which were compiled in a book published by Hong Kong Women Christian Council in 2015. Local sex toy shops are also reportedly exploring the idea of delivering ordered goods to PWDs at their homes, or at hospitals after their check-ups. Different

practices have emerged overseas: manufacturers in Japan design assistive sex toys for PWDs; the Taiwanese group "Hand Angels" sends volunteers to the homes of PWDs to satisfy their needs; and an organisation in the UK matches PWDs with sex workers. Controversies swirl around these accommodating acts, but above all, all discussions must stay within reason and work towards bringing down the barriers PWDs face in enjoying every aspect of life.

## 後記 Looking forward

展望將來，Michele和Chris各有自己的計劃。Michele希望「囂民集作」能為企業提供培訓，讓更多人認識何謂「障礙」，並走進小學，指導高小學生陪同長者或視障人士參觀展覽。Chris則會出席不同分享會，繼續訴說殘疾人士如何發展親密關係；她亦是雙性戀組織「愛無界」成員，希望透過社交媒體消除大眾對雙性戀者的誤解。「不論針對甚麼身份，社會沒有偏見，這個世界就沒有障礙。」

Both Michele and Chris have plans for the future. Michele is hoping to provide more training to businesses in order to enhance corporate awareness of what "barriers" mean and the constructed nature of disability. She also plans on pairing up primary school students with elderly people or people with visual impairment and taking them to exhibitions around town. Chris, on the other hand, hopes to continue to speak out for PWDs' right to intimacy through sharing sessions. She is also a member of Love Unbounded, a bisexual advocacy group that works primarily on social media to untangle misunderstanding about bisexuality. "When there is no prejudice, there is no barrier to being who you are."

# 平機會舉辦「平等就業·豐盛生活」行動 EOC Organises "Employment Equality Project"

## 推動傷健共融 to promote inclusion of PWDs

今年5月19日，平機會與香港電台第一台於九龍灣國際展貿中心合辦了一項公眾教育活動，藉此宣揚傷健共融的信息。這項活動乃平機會於去年7月推出的「平等就業·豐盛生

活」行動的重點節目，該行動得到22個復康團體和非政府組織支持，旨在透過製作廣播劇、訪問聘用殘疾人士的僱主，以及舉辦徵文比賽等活動，推動殘疾人士的平等就業機會，幫助他們融入社會。

是次活動邀得立法會福利事務委員會主席邵家臻議員、康復專員梁振榮先生、香港電台第一台節目總監何重恩先生和第37屆香港電影金像獎最佳女主角毛舜筠女士擔任主禮嘉賓。平機會當天公布了徵文比賽的得獎者，「糊塗戲班」的無障礙劇團更把得獎作品改編成話劇，搬上舞台演出。其他節目同樣精彩，包括失明歌手蕭凱恩的歌唱表演、由社企YM Balloon的聽障學員帶來的氣球藝術表演，以及「映舞團」精心編排的舞蹈，該舞蹈團由香港西區扶輪社匡智晨輝學校、有特殊教育需要的學生組成。

平機會主席陳章明教授表示：「是次活動讓公眾和社會各界的代表見證了殘疾人士的無限潛能。平機會將繼續努力消除大眾對殘疾人士的誤解，確保他們能在教育、就業以至使用服務等方面均享有平等機會，進而活出豐盛的人生。」



上圖：平機會主席陳章明教授與表演嘉賓在台上合照。  
Photo above: EOC Chairperson, Professor Alfred CHAN Cheung-ming took a photo with the performing guests on stage.

On 19 May 2018, the Equal Opportunities Commission (EOC) and Radio Television Hong Kong (RTHK) Radio 1 organised a public event under the "Employment Equality Project" at Kowloonbay International Trade & Exhibition Centre to spread the message of inclusion of persons

with disabilities (PWDs) in society. Launched by the EOC in July 2017 and supported by 22 rehabilitation organisations in Hong Kong, the "Employment Equality Project" aims to promote equal employment opportunity for PWDs. In addition to a weekly radio drama series, the project features video interviews with employers of PWDs and a writing competition.

The event was graced by the presence of The Hon SHIU Ka-chun, Chairperson of the Legislative Council Panel on Welfare Services; Mr David LEUNG, Commissioner for Rehabilitation; Mr David HO Chung-yan, Head of RTHK Radio 1 and Ms Teresa MO, Best Actress Winner at the 37th Hong Kong Film Awards. The afternoon saw the announcement of the winners of the writing competition, which were adapted into heart-warming drama performances by Hand in Hand Capable Theatre. The vibrant programme also included a touching singing performance by blind musician Michelle SIU Hoi-yan; a stunning balloon art show by trainees with hearing impairment from social enterprise YM Balloon; and a powerfully choreographed dance by Shine Dancing Group, formed by students with special needs from Rotary Club of Hong Kong Island West Hong Chi Morninghope School.

"The event offered a great opportunity for the public and organisations from different sectors to witness the limitless potential of PWDs," said Professor Alfred CHAN Cheung-ming, Chairperson of the EOC. "We will continue our effort in dispelling myths about PWDs to ensure that they enjoy equal opportunities – whether in education, employment or accessing services – and lead a fulfilling life."



# 撐平等 · 展共融 Equality for All

## 「高仔與朋友們」講故事比賽及工作坊

### “Tally & friends” Storytelling Competition & Workshops



截止日期  
Deadline:  
3/10

#### 參賽組別 Categories

幼兒組 Pre-school    初小組 Lower Primary    高小組 Upper Primary  
合作組 Team    手語組 Sign Language

#### 參賽方式 How to Participate

參賽者須選擇下列形式，以平等、多元和共融為主題，講故事並拍下短片，連同報名表一併遞交：

- 選取《高仔與朋友們》的任何情節或其中一冊故事，自行演繹；或
- 利用《高仔與朋友們》的角色，創作及演繹全新故事

《高仔與朋友們》是由平等機會委員會與香港理工大學設計學院攜手推出的兒童故事書系列，合共三冊；電子版可於 [www.eoc.org.hk/tally.html](http://www.eoc.org.hk/tally.html) 下載。

入圍者將於2018年10月中至下旬收到通知，獲邀參與決賽：

日期：2018年11月10日（星期六）

時間：上午10時至下午1時 及 下午2時至5時

地點：香港中央圖書館演講廳（香港銅鑼灣高士威道66號）

Please record a video of yourself telling a story about equality, diversity and inclusion, using one of the following methods, and submit it along with your application form:

- Presenting the content of a book or parts of a book from the *Tally & friends* series; or
- Creating a new story based on characters from the *Tally & friends* series

*Tally & friends* is a three-part children's book series jointly created by the Equal Opportunities Commission and the School of Design of The Hong Kong Polytechnic University. The electronic version is available for download on [www.eoc.org.hk/tally-e.html](http://www.eoc.org.hk/tally-e.html).

Shortlisted contestants will be notified in mid-late October 2018 and invited to compete at the finals:

Date: 10 November 2018 (Saturday)

Time: 10am – 1pm, 2pm – 5pm

Venue: Lecture Theatre, Hong Kong Central Library, 66 Causeway Road, Causeway Bay

#### 規則 Rules

語言：廣東話、英語或香港手語 時限：3分鐘（合作組及手語組為4分鐘）

Language: Cantonese, English or Hong Kong Sign Language

Time allowed: 3 min (4 min for Team and Sign Language categories)

#### 獎項 Prizes

冠軍 Champion

獎金 Cash Prize \$2,000/\$3,000\*

亞軍 1st Runner-up

獎金 Cash Prize \$1,500/\$2,000\*

季軍 2nd Runner-up

獎金 Cash Prize \$1,000/\$1,500\*

傑出創意獎 Award for Outstanding Creativity

獎金 Cash Prize \$1,000/\$1,500\*

\*適用於合作組及手語組 For Team and Sign Language categories

#### 免費工作坊 Free Workshops

親子故事工作坊 13/10, 14/10 | 1100-1230

Parent and Child Storytelling Workshops

中文故事工作坊 20/10, 21/10 | 1100-1230

Chinese Storytelling Workshops

英語故事工作坊 13/10, 14/10, 20/10, 21/10 | 1430-1610

English Storytelling Workshops

認識手語工作坊 28/10 | 1100-1230

Introductory Sign Language Workshop

更多詳情／網上報名

Find out details and  
apply online:



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

主辦機構 Organiser



平等機會委員會  
EQUAL OPPORTUNITIES COMMISSION

協辦機構 Co-organiser



康樂及文化事務署  
Leisure and Cultural  
Services Department

媒體夥伴 Media Partner



親子王國  
Tally & Friends

支持機構 Supporting Organisations



BOOKS & BEYOND  
READING CLUB



香港公共圖書館  
Hong Kong Public Libraries

查詢 Enquiries:

2511 8211 | [tally@eoc.org.hk](mailto:tally@eoc.org.hk)