

Improving Fire Safety for People with Hearing Challenges

Fire alarms help to keep people safe by facilitating speedy evacuation. Their sounds, however, can easily escape the notice of people with hearing challenges. What can be done to ensure their safety in case a fire breaks out?

The Complaint

Ka-wai is a person with hearing challenges who lives in a public housing unit with his family. One day, when he was home alone, he looked out of the window and saw that the street downstairs had been lined with fire engines and ambulances. Only then did he realise a fire had broken out in the building next to his. He opened the door, only to find out all of his neighbours had evacuated. He was the only one left in the dark.

He later visited the Estate Office and asked for a visual fire alarm to be installed in his unit, so that he could escape in time in case of a fire. A staff member allegedly rejected his request, citing concerns about the building's structure and adding that no approval had been given by management for the installation. Ka-wai subsequently lodged a representative complaint with the EOC, alleging that the relevant department had discriminated against him on the ground of his disability.

★ What the EOC did

After EOC contacted the department (the Respondent), the parties agreed to attempt early conciliation. The Respondent said that prior to the incident, it had already picked a public housing unit for installing a visual fire alarm system under a trial scheme. The trial was soon rolled out and the system proved ready for wide adoption after six months of assessment. The Respondent then started accepting applications for free installation of the system from tenants of public housing units with hearing impairment. Whenever the fire siren went off, the light on the visual alarm system would start flashing in sync. This effectively solved Ka-wai's problem. The case was concluded successfully through conciliation.

✦ Points to Note:

- Under the Disability Discrimination Ordinance (DDO), if a service/facility provider applies a condition (e.g. being able to hear the sound of a fire alarm) to all service/facility users that adversely and disproportionately affects those with a disability (e.g. people with hearing challenges) because they are unable to comply with it, and the service/facility provider cannot show the condition to be justifiable, it may amount to indirect disability discrimination.
- It is unlawful for a service provider to discriminate against a person on the ground of disability in the manner in which the services are provided, or by refusing to provide services to that person unless provision of the services would impose unjustifiable hardship on the provider.

- What constitutes unjustifiable hardship is to be determined by reference to all relevant circumstances of a case, including but not limited to: the reasonableness of the accommodation to be made available to the person with disability; the effect of the disability concerned; the financial circumstances of and the estimated amount of expenditure (including recurrent expenditure) required to be made by the person claiming unjustifiable hardship; and the nature of the benefit likely to accrue, or of the detriment likely to be suffered by any persons concerned.
- A central idea of the United Nations Convention on the Rights of Persons with Disabilities is that the challenges facing people with disabilities are not inherent in them, but rather result from environmental or attitudinal barriers. To enable them as well as other communities to participate in different aspects of life with greater independence, the EOC believes that the idea of universal design should be more widely adopted. This means creating goods, services and facilities with the needs of different social groups in mind, including people with disabilities, the elderly, carers and others, and ensuring they are accessible to a broader spectrum of society.