

# Making ATMs More Accessible

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*For many people, automated teller machines (ATMs) are a common way to conduct banking activities, particularly withdrawing cash. However, ATMs that are not equipped with a voice navigation system can be difficult for people with visual impairment to use independently.*

### The Complaint

Jay, a person with visual impairment, is a customer of a bank (the Bank). He complained to the EOC that the Bank had discriminated against him on the ground of his disability by failing to install ATMs equipped with voice navigation (Voice Navigation ATMs, also known as talking ATMs), and as a result he was not able to operate the Bank's ATMs independently.

### What the EOC did

The parties did not reach a settlement through conciliation arranged by EOC. Jay then applied for and was granted legal assistance by the Commission.

The parties subsequently returned to the negotiating table and reached a settlement whereby the Bank agreed to install Voice Navigation ATMs widely in Hong Kong and to ensure that such ATMs have certain important functions such as cash withdrawal, balance check, transfer of funds to accounts and change of ATM password.

### Points to Note:

- Under the Disability Discrimination Ordinance (DDO), 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 the case, including: 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 service provider claiming unjustifiable hardship; and the nature of the benefit likely to accrue, or of the detriment likely to be suffered by any persons concerned.
- Although the DDO does not expressly require banks to install Voice Navigation ATMs, a bank would contravene the DDO if: (a) it refuses to provide them for people with visual impairment to access ATM services independently; and (b) it cannot be shown that providing such ATMs would impose unjustifiable hardship on the bank.
- As a result of the settlement reached in this case, people with visual impairment can now use the ATMs of the Bank independently. Besides, people who have deteriorating eyesight, such as some senior citizens, and those who are illiterate can also benefit from the Voice Navigation ATMs. This case, therefore, has helped to substantially improve the services provided by the Bank to these communities, as they no longer have to wait in line to speak to a teller and ask for assistance with an ATM, where they may risk disclosing personal banking information to others.
- The Hong Kong Association of Banks issued a Practical Guideline on Barrier-free Banking Services (the Guideline) in March 2018, which advises that Voice Navigation ATMs should be provided wherever feasible and that certain features should be gradually implemented for each Voice Navigation ATM. In this light, banks are strongly encouraged to install Voice Navigation ATMs in order to comply with the Guideline and avoid contravening the DDO.