

MESSAGE FROM THE CHAIRPERSON

## Why Should We Care?

We tend to take things for granted. For example, travelling smoothly from home to office, or taking a bus or the MTR and being right on time, or entering a restaurant and being served without fuss. These simple daily routines seem to come effortlessly to many of us.



Now imagine you are a wheelchair user, or you are using a crutch due to an injury. Imagine if you are about to enter a building, only to find that the entrance is outfitted with steps that you cannot climb. Imagine having to wait for an hour to get on the few buses that are fitted with platforms for wheelchairs. Imagine you have to climb 30 odd steps with your crutches out of some MTR stations because they do not have lifts. Imagine seeing friends at a restaurant becoming a near-impossible task, because the restaurant raises its entrance onto a platform to stop rain water from coming in, or because its hallways are too narrow for your wheelchair.

Such are the struggles that persons with disabilities (PWDs) face on a daily basis. Such are the struggles that keep Hong Kong from becoming a truly friendly city.

Are we fit to call Hong Kong a world-class city if this is our treatment of PWDs? And before you think that these difficulties do not concern you, think again: the line between persons with and without disabilities is much more blurred than you might realize, and the problems PWDs confront actually affect us all. Perhaps you are now taking care of your elderly parents. Perhaps you are a mother who uses a baby-stroller. And, inevitably, all of us will grow old, and many of us will require assistance in our old age. The activities we take for granted now, such as boarding a bus or eating at a restaurant, may one day become an exhausting and frustrating affair. In short, many of us may one day become PWDs, and would we not then wish for facilities to ease our lives?

Universal design is already an internationally accepted access design concept that we should adopt to foster a more friendly world undivided by different levels of accessibility. Indeed, improving accessibility makes economic sense, since it allows PWDs to participate more fully in the marketplace and bring about greater business opportunities for all. One wheelchair user told us, “If there were improvements in buildings and roads, we could benefit from more employment opportunities, which would lessen our reliance on the government’s assistance.”

The government should do more – indeed, they should lead this fight to ensure accessibility for all. In June, the EOC announced our findings of the Formal Investigation (FI) on Accessibility to Publicly Accessible Premises. After inspecting sixty government-owned buildings, we found that government-owned premises are doing a far from satisfactory job in providing barrier-free facilities. And at the last LegCo By-Elections, despite the fact that the EOC had raised this issue ten years ago, a full 15 percent of polling stations remained inaccessible to PWDs.



**Example of Barriers: Stepped entrance**



**Inclusion Solution: Add a ramp and handrails**

So what can the government do to rectify this situation? The EOC has already laid out both policy and operational recommendations in our FI report, but I would like to emphasize a few points here.

First, policymaking should not be piecemeal . A holistic approach is required, one that takes equal opportunities as one of its mainstream considerations. The needs of PWDs and the larger aim of integrating all sectors into our society must be factored into the formulation of government policies.

Second, we need a change of mindset. Too often, indifference is the cause of the shortfalls in accessible facilities. I believe indifference stems from a lack of empathy, a feeling that this is not our issue. But accessibility is everyone’s issue, and we must move beyond being concerned merely for today’s convenience in order to adequately prepare for the assistance we all may require tomorrow. We need to start looking at universal design as a necessary and beneficial-for-all arrangement.

Hong Kong people expect the government to show their commitment to building a world-class city. It is only fitting that the government acts now to seriously tackle the accessibility problems. By going for universal access, the government sets a powerful example and shows us that, yes, they do care.

We must also call on the private sector to join in the collective effort to provide universal access, so that together we can live up to our aspirations as a civilized and inclusive society.

**LAM Woon-kwong**  
**Chairperson, Equal Opportunities Commission**

- [EOC’s Formal Investigation Report on Accessibility](#)
- [EOC’s Barrier-free Life Webpage](#) (exploring accessibility issues in different areas)

<http://www.eoc.org.hk>



## 平等機會委員會工作一覽 EOC Fact Sheet 2009/2010

### 平等機會委員會

平等機會委員會是香港的一個法定機構，負責執行反歧視條例，即《性別歧視條例》、《殘疾歧視條例》、《家庭崗位歧視條例》及《種族歧視條例》。

### 我們的工作

我們透過以下的工作，致力消除歧視、推動平等機會：

- 就有關四條反歧視條例的投訴進行調查，並鼓勵雙方調解以解決紛爭
- 為受屈人士提供法律協助
- 教育及推廣
- 檢討法例並提供指引
- 就與歧視及平等機會相關的議題進行研究

### Who We Are

The Equal Opportunities Commission (EOC) is a statutory body responsible for implementing the anti-discrimination ordinances in Hong Kong namely the Sex Discrimination Ordinance (SDO), the Disability Discrimination Ordinance (DDO), the Family Status Discrimination Ordinance (FSDO) and the Race Discrimination Ordinance (RDO).

### What We Do

- Investigating into complaints lodged under the 4 anti-discrimination laws and encourage conciliation between parties in dispute
- Providing legal assistance to aggrieved persons
- Education and promotion
- Reviewing the legislation and providing guidelines
- Conducting research on issues relevant to discrimination and equal opportunities

## 一年工作成果 Achievements in a Year

港幣12,000,000元的賠償

一透過調解及

法律協助而成功爭取

About HK\$ 12,000,000

SECURED IN COMPENSATION THROUGH CONCILIATION AND LEGAL ASSISTANCE



75,000 每月瀏覽我們網站的平均人次

75,000 people visited our website per month



超過80,000名市民定期收到平機會通訊

Over 80,000 people received EOC newsletter per issue

57,000 位學生觀看平等機會話劇

57,000 students watched our EO plays



32,000 位僱主、僱員及團體接受我們的培訓

32,000 employers, employees and interested parties received our training

答覆了15,000個電話查詢及處理了1,114宗投訴

15,000 ENQUIRIES ANSWERED BY OUR HOTLINES AND 1,114 COMPLAINTS HANDLED



以港幣1,560,000元資助了63個非牟利機構推廣平等機會

HK\$ 1,560,000 PROVIDED TO 63 NON-PROFIT ORGANIZATIONS THROUGH OUR FUNDING SCHEME TO PROMOTE EQUAL OPPORTUNITIES



10,000 個受訪住戶回應了有關「種族接納」的統計調查

10,000 households participated in the EOC's Racial Acceptance Survey



採納了不同建議以改善機構管治、內部監控及運作效率

VARIOUS RECOMMENDATIONS IMPLEMENTED TO IMPROVE CORPORATE GOVERNANCE, INTERNAL CONTROL AND OPERATIONAL EFFICIENCY



# Around the World

## Hong Kong

### New Banknotes with Braille for Persons with Visually Impairment

People with visual impairment in Hong Kong welcome the 2010 series of Hong Kong banknotes which feature Braille at the bottom left corner of each note and embossed “tactile” lines on the front side that correspond with each note’s value. The new series consist of five denominations from HK\$20 to HK\$1,000. A new banknote measuring template to differentiate the denominations by measuring the banknote will also be made available through organizations serving the people with visually impairment.

Measuring Template Infoline: 28788604



Photo Courtesy: The Hong Kong Monetary Authority

Information source:

<http://info.gov.hk/hkma/eng/press/2010/20100720e4.htm>

## USA

### Broadband Plan to Improve Access for All

The Federal Communications Commission(FCC) of the United States recently released a comprehensive development plan to make broadband technology available to all Americans, including persons with disabilities, the majority of whom do not currently have broadband connection at home. The FCC aims to promote the use of accessibility features such as captioning, speech recognition and speech output through maximizing the provision of broadband. The plan recommends the establishment of a working group of Federal agencies to coordinate efforts to improve ease of access and compliance with laws such as the Rehabilitation Act. A forum with different stakeholders such as users, manufacturers, service providers will be set up to share best practices and broaden accessibility solutions.



Content contributed by the Hong Kong Institute of Architects

Information source:

<http://www.access-board.gov/news/Access Currents/Mar-Apr10.htm#fcc>

### Latest Court Ruling – Sexual Harassment Case



#### The Judgment

The District Court awarded compensation on 23 August 2010 to a female employee who was sexually harassed and unlawfully discriminated against on the ground of her sex. The defendant was ordered to pay damages to the plaintiff at HK\$197,039 for injuries to her feelings, punitive damages, and loss of income. The plaintiff received legal assistance from the Equal Opportunities Commission (EOC).

#### The Case

L, the plaintiff, attended an interview conducted by the defendant, who was the most senior staff at the company, in August 2007. After the interview, the defendant sent her three SMS messages with sexual overtones, which she ignored. She was subsequently offered the position, and began her employment in September 2007. Prior to and during the course of her employment, the defendant made repeated unwelcome sexual advances and engaged in unwelcome conducts of a sexual nature toward L, including inviting her to dinner and drinks, making comments with sexual overtones, brushing her breast, leering at her while putting his hand on his private parts, and telling her he wanted to have sex.

L rejected all of the defendant's advances. Feeling offended, she began to avoid contact with the defendant, who is her supervisor. The defendant's behavior toward L began to change. In October 2007, she was dismissed. She then lodged a complaint with the EOC. After investigation, the EOC attempted to facilitate a settlement through conciliation. L requested an apology letter plus monetary compensation from the defendant, who would only agree to an apology letter but this letter was never delivered to her. L then made a counter-offer for the defendant to make a donation (of a much smaller amount than the court's ruling) to a charity as a token of his regret, but this request was also rejected. L then applied to the EOC for legal assistance to take the defendant to court, which was granted.

The dismissal letter contained criticisms of her performance. However, no evidence was given for the allegations, and no written warning had been issued against her prior to the dismissal. The court found that this was a clear case of sexual harassment, and the dismissal was a direct result of the sexual harassment.

Under ordinary circumstances, the Hong Kong office of the defendant's company may also be vicariously liable for the acts done by its employees in the course of employment, whether or not these were done with the employer's knowledge or approval.

#### Conclusion

The court ruling clearly shows that all employees are protected against sexual harassment under the Sex Discrimination Ordinance (SDO). The SDO's protection also covers the recruitment stage prior to any formal offer. Employers and human resource practitioners are reminded to be vigilant against any acts which may be unwelcome conducts of a sexual nature, and take practicable steps to guard against such behaviours.

## An Update on the Revised Code of Practice on Employment under the Disability Discrimination Ordinance

### An Update on the Revised Code of Practice on Employment under the Disability Discrimination Ordinance



The EOC would like to thank the many contributors who have given comments on the captioned draft Code that explains how the DDO protects people from disability discrimination in employment-related matters. Forty-six written submissions were received. We have organized extensive consultation, altogether 23 sessions, with the public and relevant stakeholders during which useful feedback were obtained. Accessible transport, sign language, Braille print and audio version of the Code; and interpretation for different languages were provided during the consultation period from April 8 to July 8, 2010. Other than the Chinese and English versions, the Code had been translated into six different ethnic minority languages. Public views will be appropriately incorporated in the draft before it is tabled at the Legislative Council for final approval. It is hoped that the Code will become effective by the end of 2010.

## Sex Discrimination Case – Discriminatory Seating Arrangement

### SEX DISCRIMINATION CASE

### "Cracking" the Dress Code



#### The complaint

Ms X was employed as a teacher by a secondary school. At the first staff meeting before the school year commenced, the school principal announced that all female teachers were required to wear a dress or a skirt to work.

Ms X reported to the school in a knitted top and dress pants on the first school day. She was summoned by the principal because she did not wear a dress or a skirt as required. The principal later agreed that Ms X could wear a pant suit consisting of pants and a matching jacket if she would not wear a dress or a skirt. Despite this agreement, however, Ms X was repeatedly criticised for not wearing a dress or a skirt on various occasions, sometimes even when students were around. On the other hand, male teachers were not confined to wearing any particular type of clothing apart from the ban on t-shirts and jeans. Ms X complained that male teachers were allowed to wear less formal pants, and they were not required to put on a jacket.

Ms X believed the school had discriminated against her because the school unnecessarily restricted her choice of work wear while the male teachers were not subjected to corresponding requirements. Feeling humiliated, Ms X lodged a complaint of sex discrimination against the school with the Equal Opportunities Commission (EOC).

#### What the EOC did

Upon receiving the complaint, the EOC case officer investigated into the matter and tried to settle the disagreement by way of conciliation. However, this attempt was unsuccessful. The EOC later granted legal assistance in this case on the basis that the case raises a question of sex discrimination in the field of employment, where a restriction affects members of one gender less favourably than members of the other gender. After issuing a writ, the school finally agreed to settle the matter by giving an apology and monetary compensation to Ms X. The school also undertook to review its dress code.

### *What the law says*



While the anti-discrimination ordinance does not explicitly state that dress codes are unlawful, employers should avoid setting dress codes that may inadvertently discriminate on grounds of gender, pregnancy, disability or race. For instance, any rule which requires members of both sexes to dress in a comparable standard of smartness and conventionality in order to present a clean and decent appearance should be applied in an even-handed manner.



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## Universal Design for All



Universal Design ( UD ) is an approach for the design of buildings, office areas or facilities that are fully accessible to all users regardless of a person's age or disability. A crucial part of the approach is compliance with relevant standards and guidelines. Mr. Joseph Kwan, Consultant Architect who is the Global Chair of the Rehabilitation International – International Commission on Technology and Accessibility (RI-ICTA), shares with EO Club members his expertise in creating an environment that is accessible for all. With extensive photographs from around the world on examples of accessible design in transport, buildings and office areas, the talk is an eye opener for everyone.

## Fair Apparel Brings Confidence

### Fair Apparel Brings Confidence

The clothes we find in ordinary fashion boutiques appeal to us if they are chic and stylish. However, to people who have difficulty dressing themselves, all that matters in the design of clothes is whether they are easy to put on. Established by Hong Kong Polytechnic University's Institute of Textile and Clothing (ITC) in 2006, the Troels H. Povlsen Care Apparel Centre (CAC) has designed a range of Care Apparel outfits and dressing aids which not only facilitate easy dressing, but also help wearers rebuild their self-confidence and improve their social lives.

Dr Freny Ng, Director of the CAC, said that she had heard more than one story about persons with disabilities (PWDs) using a urine bag being met with quizzical stares. Some taxi drivers even refused to accept their hire. These are impediments to their integration in society. In view of this situation, Dr Ng lined up textile and clothing experts, fashion designers and technicians, rehabilitation therapists, medical and healthcare professionals, and other people who wanted to get involved in designing and producing custom-made outfits for PWDs which are both comfortable and graceful.



In the past, PWDs would tie their urine bag to their lower leg and cover it underneath the leg of their trousers in order to avoid embarrassment. But removing it could be a problem. These CAC-designed trousers make it easy for the wearer to conceal the urine bag at the thigh or lower leg position. No additional accessories are needed. And the urine bag is hardly noticeable.

“I know an elegant woman who had to wear a urine bag because of an illness,” said Dr Ng. “This sudden change made her feel very self-conscious, and she was reluctant to socialize with her family and friends. The situation worsened her long-term depression and made her feel listless. Then a friend introduced her to Care Apparel clothes, which tactfully hide the urine bag inside a specially designed pocket on the trousers. The trousers are designed in such a way that they look like ordinary trousers, yet manage to make the urine bag unnoticeable.”

Dr Ng said that when she founded the Care Apparel Centre with some alumni who were also interested in designing clothes for PWDs, they were not aware that a piece of clothing could make such a big difference: “After overcoming her clothing problem, the woman became optimistic and outgoing. She even regained some weight. We were very pleasantly surprised.”

Dr Ng pointed out that PWDs who are more well-off can afford to hire a helper to take care of their daily needs. But PWDs who are less well-off not only lack the financial means to overcome their mobility problem, but many of them are not even aware that their clothing problems can be solved, leading them to often tolerate the situation in silence.



This shirt looks just like any other shirt. But its opening is at the armpit. The wearer does not need to raise his/her hand to put it on, thus permitting easy dressing by people with a degenerated joint or limited upper-limb mobility.

She gave the example of another woman who started using Care Apparel outfits last year. Born with a curvature of her spine (i.e. a hunchback), she had been unable to find clothes that fit her. Some years ago, she wanted to have a suit ensemble custom-made to attend a job interview. But she was met with ridicule and rejection from the tailor. After reading about the Care Apparel Centre in the newspaper, however, she thought she might as well give it a try.

The Centre designed a sleeveless jacket for her. From behind, it just looks like a simply designed jacket. But there are actually two soft cushions hidden underneath which appropriately support her cervical vertebrae and the place where her spine is curved, enabling a comfortable sitting position. Now she no longer has to bring along external cushions when she goes out, which are not only unpleasant to look at but also inconvenient to carry along.

Dr Ng said, “We were fortunate to have her useful input when we designed the outfit, because she knows her own difficulties and needs better than others. Without the user’s perspective, it would have been difficult for us to come up with the ideas for the present design.”



Some wheelchair users never wear trousers because of lower-limb immobility. They just cover the lower part of their body with a towel. These “open-back trousers” enable the wearer to put them on even at a sitting position.

To cater for the users' personal feelings, Care Apparel attaches importance to the style of their outfits, in addition to their functions. Dr Ng explained that many elderly people need to use a bib when they eat. However, ordinary bibs make them look like babies, making them feel embarrassed. The CAC, therefore, launched a series of nice looking bibs in various styles and colours. At first glance, the bibs look like an ordinary sleeveless jacket which can be worn as a fashion item.

One of Care Apparel's aims is to help wearers of their outfits look like ordinary people so they feel at ease in their everyday life. In order to enhance PWDs' selfcare skills and to facilitate easy dressing with the help of their carers, the CAC has designed some dressing aids, which are on display at the centre. They are intended to give inspiration to people in need. Dr Ng also conveys the design concepts of Care Apparel to students through her teaching and community activities, in order to let the students know that clothes are not only about fashion and style, but also be a means through which they can improve the quality of people's lives.



This jacket has built-in cushions to support the head, neck and waist. Besides affording the wearers comfort, it also makes them look graceful, and they do not have to take cushions with them when they go out.



This stain-resistant bib is beautiful and stylish. It has become very popular among elderly people and PWDs.



The CAC has also designed a wheelchair raincoat, antislip socks, dressing aids, etc. These items not only facilitate easy dressing, but provide protection as well.

## About the CAC

The Institute of Textiles and Clothing of The Hong Kong Polytechnic University obtained funding support and established the “Troels H. Povlsen Care Apparel Centre” in 2006. As an original and innovative care apparel centre, the Centre integrates the concepts of ‘specialized clothing’ and ‘social care’ with the aim of serving the elderly and people with disabilities. For enquiries, please call 3400 3369/3400 3092 or visit their website: [http://www.itc.polyu.edu.hk/cac/cu\\_c.html](http://www.itc.polyu.edu.hk/cac/cu_c.html)



Messages of inclusion and social integration filled the air at the finale of the EOC Diversity Project “Colour Our World”, which attracted over one thousand participants. The finale concluded a year-long radio programme series, jointly organized by the Equal Opportunities Commission (EOC) and RTHK Radio 2, which aimed at promoting racial harmony, inclusion of persons with disability, gender equality and accommodation for persons with different family status. At the show, ethnic minority participants shared with the audience the difficulties they face such as renting a flat, finding a job or securing a school place. Social workers said mutual respect is the key to racial harmony. Finally, all the guests, singers and friends from ethnic minority communities stood hand-in-hand and called out the slogan to mark a wonderful end to the event.



EOC Members officiated at the programme by kicking away footballs imprinted with the word “Discrimination” to symbolize the society-wide effort to eliminate discrimination.



## Unlock the Door of Silence

Ethnic minorities in Hong Kong represent diverse groups, with different skin colours, languages and customs. Despite these differences, many ethnic minorities living in Hong Kong regard this city as their home. However, the language barrier remains a hurdle for people from different ethnic backgrounds in Hong Kong. The difficulty in learning Chinese also affects EM students' opportunities for further studies. Check out our latest video "Unlock the Door of Silence, where a teacher, students, and social workers share their stories about overcoming the challenges they face in their lives in Hong Kong.



EOC on 

[www.youtube.com/user/hkeoc](http://www.youtube.com/user/hkeoc)



社區資源及活動  
Community Resources/ Events

9-10/11/2010

亞洲多元共融會議 2010  
Diversity & Inclusion in Asia 2010 Conference



公益企業  
Community Business  
2152 1889  
<http://www.communitybusiness.org/>



全年計劃  
Year Round Programme  
社區精神健康支援服務  
Community Mental Health Support Service

香港心理衛生會  
The Mental Health Association of Hong Kong  
2528 0196  
<http://www.mhahk.org.hk/>

全年計劃  
Year Round Programme  
視障人士就業支援網站  
Employment Website for Persons with Visually Impairment

香港盲人輔導會  
Hong Kong Society for the Blind  
2778 8332  
<http://www.cando.hk/>



9/2010  
藝無疆：新藝展能藝術家大匯展 2010  
Cross all Borders Festival 2010  
- Exhibition of Artworks by Artists with Disabilities  
香港展能藝術會  
The Arts with the Disabled Association (ADA) Hong Kong  
2855 9548  
<http://www.adahk.org.hk/>

全年計劃  
Year Round Programme

為少數族裔而設的  
語文課程  
Language Programme for Ethnic Minorities

<http://www.caritas.org.hk/swsd/cd/emlp/>



10/2010-2/2011

2010精神健康月  
Mental Health Month 2010

勞工及福利局  
Labour and Welfare Bureau  
28102300  
<http://www.lwb.gov.hk/eng/advisory/rac/2010MTM.htm>



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