

消除歧視—制度及政策檢討

Eliminating Discrimination — System & Policy Reviews



明報圖片
Photo from Ming Pao

「中學學位分配辦法」

由於委員會收到不少家長的投訴，指其子女在中學派位中受到性別歧視，委員會因此對已實行超過20年的「中學學位分配辦法」進行調查。調查結果於1999年8月發表，發現制度對個別男生及女生存在性別歧視。因此，委員會建議應檢討制度，消除當中對男生或女生造成歧視的因素。

然而，教育署署長於2000年4月回覆，指由於有合理原因，有關制度有必要保留，而制度中含歧視的成分亦會維持不變。鑑於有關決定對全港學童造成深遠影響，委員會遂於2000年7月申請司法覆核。高等法院給予許可後，聆訊於2001年5月14日展開，並於2001年5月24日審結。

高等法院於2001年6月22日作出判決，裁定委員會挑戰的「中學學位分配辦法」中，三項以性別為基礎的機制，都包含歧視成分，屬於違法。委員會期望教育署可於明年推行一個無歧視的新制度。與此同時，委員會亦與各校校長及國際專家進行連串意見交流，以便有關問題得到廣泛的討論。委員會期望這些公開討論有助制訂沒有歧視的教育政策。

殘疾人士接受教育的機會

接受教育是殘疾人士全面融入社會的關鍵。可是，有殘疾的學童卻被一般教育制度系統性地拒諸門外。《殘疾歧視條例》規定，學校如因歧視有殘疾的學生而拒絕取錄他們，即屬違法。委員會於1999年開始擬備《殘疾歧視條例教育實務守則》（下稱“守則”），目的是推廣殘疾學童接受教育的平等機會。



The Secondary School Places Allocation System

Following a number of complaints from parents on sex discrimination in the placement of their children in secondary schools, the EOC conducted an investigation into the Secondary School Places Allocation (SSPA) System, which has been in place for over 20 years. The investigation and subsequent report, released in August 1999, found that the existing system does indeed discriminate against individual boys and girls on the basis of sex. The EOC recommended that the System be reviewed to remove the discriminatory elements against both boys and girls.

However in April 2000, the Director of Education responded that there were good reasons for keeping the system as it was and the discriminatory elements of the SSPA would not be removed. In view of the wide impact of this decision on the children of Hong Kong, the EOC applied for a judicial review in July 2000. Leave was granted by the High Court and the hearing commenced on 14 May 2001, concluding on 24 May 2001.

On 22 June 2001, the High Court of Hong Kong ruled that all three gender-based mechanisms in the SSPA challenged by the EOC are discriminatory and unlawful. The EOC looks forward to the introduction of a new, non-discriminatory system, which we hope will be in place next year. Meanwhile, a series of exchanges with school principals and international experts is in place to enable a wider delivery of the issues involved. It is hoped that these public discussions will assist in the formulation of non-discriminatory education policies.

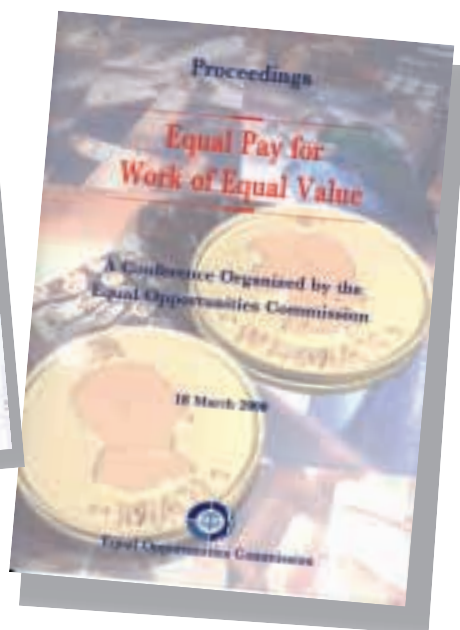
Access to Education by Persons with a Disability

Access to education is a key factor in enabling people with disabilities to integrate fully into society. Yet young people with disabilities are systemically excluded from the general education system. The Disability Discrimination Ordinance (DDO) makes it unlawful for schools to discriminate against such students by refusing admission. The EOC started to prepare the Code of Practice on Education under the DDO in 1999. The Code aims to promote equal opportunities in education for children with disabilities.



經廣泛諮詢教育工作者及殘疾人士社群後，委員會於2001年1月公佈守則的公眾諮詢文件，徵集市民意見。守則經立法會審議後，已於2001年7月，即新學年開始前正式實施。委員會並積極參與教育署屬下的「融合教育工作小組」的工作，繼續就有關融合教育計劃的實施，向政府提供意見。

為確保有殘疾的學生參加考試時不會因殘疾而吃虧，委員會向香港考試局提出多項建議。結果，考試局的有關指引現已增加彈性，對應試學生提出所需的協助或遷就，都會加以考慮。



為入境事務處提供的培訓及程序

自去年有自閉症的十五歲男童庚文翰，被入境處人員誤送出境而失蹤後，保安局局長接納了委員會於2000年8月提出的建議，邀請委員會就「改善入境處內部指引和加強員工培訓」向入境事務處提供意見。

委員會目的是協助入境處提高其處理殘疾事宜的敏感度，並加強入境處在處理殘疾人士出入境時執行職責的能力。要確保改革的成果，最有效的方法是把平等機會的原則融入機構各個層面以及其運作程序之內，使之成為入境處的主流文化，這亦是機構革新的過程。要令平等機會原則成功融入主流文化，部門必須監察實踐的成效，確定員工在日常落實核心政策承諾時所作的大小決定，均能貫徹有關政策的原則。

委員會的研究探討了入境事務隊成員對殘疾人士的認識及敏感度；殘疾人士對入境處服務的經驗及期望；入境處的內部程序、指引和訓令是否足夠；以及入境事務隊成員的培訓需要等。

研究關注兩項重點：首先，有關入境事務隊成員識辨殘疾的特性、表徵和特殊需要的能力。如有關人員無法辨識殘疾，便不能作出適當的反應，及不會採用既有的特殊程序和支援機制來協助殘疾人士。

其次是有關處理殘疾人士技巧的訓練，當中以溝通技巧尤為重要。恰當有效的溝通能讓入境處人員取得有用的資料，如個人身份證明，且能減少誤會。

接納精神病患者

精神病患者一直受到嚴重的歧視。委員會於去年舉行了12次焦點小組會議和12次合共超過500人參與的講座，目的是加深社會認識及關注精神病患者在《殘疾歧視條例》下的法律權益。

2001年1月，委員會與香港中文大學精神科學系聯合展開「香港精神科服務使用者受歧視經驗」研究，以調查精神科服務使用者在工作、家庭及交友方面受到歧視的經歷，以及他們在接受診治和使用社會服務時遇到的困難。

同值同酬

香港正從爭取「同工同酬」進一步邁向爭取「同值同酬」。男女薪酬不均與兩性往往擔任不同種類的工作有關，而這又受社會傳統教化、教育、和就業市場期望所影響。這些工作雖具相同價值，而職責、所付出的努力和入職的資格也相約，然而薪酬卻有差別。

After substantial consultation with educators and the disability community, a proposed Code was issued in January 2001 for public consultation. Following vetting by the Legislative Council, it came into operation in July 2001 before the commencement of the new academic year. In the meantime, we continued to be actively involved in the Task Group on the Integrated Education Programme of the Education Department, providing advice to the Government regarding the Programme's implementation.

To ensure that these students are not disadvantaged by their disability when sitting for examinations, we made a number of recommendations to the Hong Kong Examination Authority. As a result, the Authority's guidelines now offer greater flexibility in considering requests for different forms of assistance and accommodation in examinations.

Procedures and Training for the Immigration Department

On the initiative of the EOC in August 2000, the Secretary for Security invited the EOC to provide advice "to enhance the relevant internal guidelines and staff training" to the Immigration Department, after the disappearance of Yu Man-Hon, an autistic, then 15 year-old boy, who was mistakenly sent across the border by immigration officers last year.

The initiative is intended to assist the Department to enhance its sensitivity to disability issues and increase its capability to discharge its obligations to persons with a disability. The most effective way of sustaining change is to introduce equal opportunities principles into all aspects of an organization and its operation. This is mainstreaming an equal opportunities culture in the Department's operation and it is a process of organizational transformation. Mainstreaming the equal opportunities culture also requires tracking of the outcome of the core policy commitments of a department to the small everyday decisions of implementation.

The study looked into knowledge and sensitivity levels with regard to persons with a disability; the experiences and expectations of persons with a disability; the adequacy of the Department's internal guidelines and instructions and officers' training needs.

The study highlighted two key concerns: The first area of concern is the ability to identify and recognize disabilities and their characteristics, manifestations

and special needs. Failure to identify and recognize disabilities may result in inappropriate responses and will not trigger the use of any special procedures and support mechanisms.

The second concern relates to the development of skills in handling persons with a disability with particular emphasis on communication skills. Appropriate communication can elicit useful information, such as personal identification, and can reduce misunderstanding.

Accepting People with a Mental Illness

Persons with a mental illness continue to suffer from serious discrimination. The EOC conducted 12 focus group meetings and 12 talks for over 500 people during the year, to raise awareness of the legal rights for persons with a mental illness under the DDO.

In January 2001, the EOC and the Department of Psychiatry at the Chinese University of Hong Kong launched a joint project, the *Mental Health Service Users' Experience of Discrimination in Hong Kong* to investigate experiences suffered by mental health service users in the workplace, in the family and with friends, as well as difficulties they experience in medical and social services.



Equal Pay for Work of Equal Value

Hong Kong is now moving on from the issue of "equal pay for equal work" to the issue of "equal pay for work of equal value." Sex discrimination in pay inequity is related to the fact that men and women are often segregated into different types of

委員會於2000年5月成立「同值同酬專責工作小組」，並獲政府撥款200萬港元，以推廣「同值同酬」及就分三期逐步實踐這原則提出建議。第一期工作主要是分析公務員及醫院管理局的薪酬和人事資料。第二期研究的對象為聘用超過200名僱員的企業，而第三期則集中研究中小型企業。

資訊科技人人共享

資訊科技發展一日千里，香港亦正轉變為知識型社會，這種發展，令資訊科技和電子通訊，成為我們日常生活中不可或缺的部分。因此，能否掌握運用資訊科技成為一般人(尤其是殘疾人士和婦女)首要關注的課題。過去一年，委員會秉承一貫的政策，與政府及其他團體緊密合作，探討資訊科技是否易於掌握、資訊科技帶來的新機遇和其對弱勢社群日常生活所造成的影響。

期間委員會進行了「香港公共服務機構網頁上網障礙研究」，以找出不同類別的殘疾人士上網的需要與困難。這調查與香港社會服務聯會合作，有關研究報告已於2001年3月呈交立法會資訊科技及廣播事務委員會。同時，委員會亦派出一名代表加入政府有關資訊發佈的跨部門委員會，協助政府制訂網頁設計指引，以確保市民運用政府網頁時不會遇到阻礙。

自政府於1999年推出「公共服務電子化計劃」後，委員會一直就如何確保人人均能使用有關服務的問題，向政府提供意見。政府亦已採納委員會的建議，在各社區數碼站和公共圖書館，提供裝有適當軟硬件的電腦設施供市民使用。

委員會亦建議政府修訂其「認可核證機構實務守則」，把核證申請者的服務是否方便殘疾人士使用，列為評審有關申請的準則之一。委員會應多個視障人士團體的要求，為他們與香港郵政署合辦了一次介紹郵政署電子核證服務的講座，並即場為他們辦理登記手續。

電子銀行服務是香港大部分市民能享用得到的基本服務。為確保殘疾人士亦能享用這服務，委員會已與香港銀行公

會合作成立工作小組，制訂有關行動方案，希望讓殘疾人士也能體會先進科技帶給他們自主的方便。

我們不能忽略資訊科技對婦女的影響，尤其在就業、教育和服務的提供等各方面，並需加倍努力，鼓勵婦女應用資訊科技。為與政府在這方面的工作保持一致步伐，委員會定期出席民政事務總署的「推廣婦女使用資訊科技」中央統籌委員會的會議，並從平等機會角度，提出對促進婦女應用資訊科技的看法，供政府研究。

在提高婦女應用資訊科技能力的過程中，委員會亦與資訊科技界和專業團體緊密合作，如支持由互聯網專業人員協會推出的「網絡無障礙行動」，該項活動其中一主要目的，便是協助提高殘疾人士及婦女對資訊科技的認識，以及推廣有關培訓。

建設無障礙的社會與生活環境

要讓殘疾人士充份享有經濟、社會、文化及政治權利，我們必須建設一個無障礙的社會與生活環境。就這目標，委員會去年與政府及私營機構合作，在不同範疇推廣「通用設計」的概念及把平等機會原則納入主流文化。



jobs due to career choices based on socialization, education and the expectations of the job market. These different jobs may be of the same value requiring similar responsibility, effort, and qualifications but may be paid differently.

A Task Force was established in May 2000 with a government capital grant of HK\$2 million to promote and recommend ways to progressively implement the principle of “equal pay for work of equal value” in three phases. The first phase analyses pay and personnel data within the civil service and the Hospital Authority. The second phase studies companies employing over 200 staff while the third phase looks at small and medium sized enterprises.

Access to Information Technology (IT)

The rapid advancement of information technology and transition into a knowledge-based society makes access to information and electronic communication fundamental to our daily lives. Access to information technology therefore remains a priority especially for persons with a disability and for women. During the year, we continued our strategy, working closely with the Government and other groups to gauge accessibility, new opportunities and the impact of IT on the daily lives of disadvantaged groups.

A study on *Web Accessibility of Public Service Homepages in Hong Kong* was conducted to identify problems linked with the needs of different disability groups. This joint research on web accessibility was conducted with the Hong Kong Council of Social Service. In March 2001, a paper on the inaccessibility of IT to persons with a disability was submitted to the Legislative Council Panel on Information Technology and Broadcasting. An EOC representative also sits on the Government's inter-departmental committee on information dissemination to help develop guidelines for designing accessible government websites.

Since the Government introduced its Electronic Services Delivery scheme in 1999, the Commission had been advising the Government to ensure universal accessibility. The Government has adopted the Commission's suggestion to equip the computer facilities at community cyberpoints and public libraries with accessible hardware and software.

The Commission also advised the Government to revise the Code of Practice on Recognized Certification Authorities so that accessibility of the certification service for persons with a disability is made one of the

criteria in assessing applications for the recognized status. In response to requests from several visual impairment groups, the Commission initiated an orientation and on-site registration session in conjunction with the Hongkong Post regarding its e-cert service.

Electronic banking is a standard service enjoyed by most in our community. A working group has been established with the Hong Kong Association of Banks to develop an action plan, to ensure delivery of electronic banking services to persons with a disability enabling them to enjoy the benefits of independence brought about by advancements in modern technology.

The impact of IT on women particularly in the fields of employment, education and service provision cannot be ignored, and more needs to be done to encourage women to embrace this technology. To keep abreast with Government initiatives in this area, the EOC regularly attends meetings of the Home Affairs Department's Central Co-ordinating Committee on the Promotion of IT to women. Where appropriate, the EOC contributes its perspective on the equal opportunity aspect of IT and women for the Government's consideration.

The Commission also works closely with the IT industry and professional organizations in the empowerment process — we are, for example, supporting the Web Care Campaign, launched by the Internet Professional Association, to promote IT awareness and training among persons with a disability and women, among other objectives.



使用公共交通服務一直是肢體傷殘人士及視障人士最關注的問題。委員會已敦促政府和專利巴士經營商訂定目標，在指定時限內把所有專利巴士改為完全適合殘疾人士使用。此外，政府應在巴士專營權的規條當中訂明，所有專利巴士公司在更換舊巴士及為擴充路線而購置巴士時，只可購置完全合適殘疾人士使用的巴士。在委員會和復康團體不斷的游說下，其中一家巴士公司已同意將部分新購巴士的活動斜板改為固定安裝在巴士上的斜板。

鑑於香港約一半人口居於公共房屋，委員會於2000年初與房屋委員會進行了一項無障礙巡查行動，檢查殘疾人士出入屋邨的方便程度，並提出跟進行動建議。有關巡查報告已於2000年8月完成，報告就所需的改善工程及其優先次序提出建議。房委會已初步撥出700萬元作改善用途。

投票權是每個公民的重要權利。在2000年9月立法會選舉之前，委員會向選舉事務處提出建議，方便殘疾人士更全面地參與選舉。在委員會與政府商討後，政府即制訂了一些臨時改善措施。

香港人喜愛外出用膳。但由於食肆一般欠缺合適殘疾人士使用的如廁設施和足夠輪椅進出的空間，輪椅使用者往往無法參與這項熱門的社交活動。委員

會已建議政府把提供合適殘疾人士使用的洗手間和其他設施列為食肆的發牌條件之一。現正等候政府對此建議的回覆。

愛滋病與社會

過去一年，委員會與護理專業人士、社區組織及各關注團體緊密合作，提高社會對愛滋病患及感染者合法權利的認識。為促進患者與社會之間互相信任和鼓勵他們在有需要時尋求協助，委員會已指定一名職員專責解答他們的查詢。當局亦已根據委員會的建議，修訂《藥物診治中心守則》，刪除一些程序，以消除可能會引起患上透過血液傳染疾病(如愛滋病)的求助人士的不安。

委員會亦定立宣傳方針，提高市民對女性感染愛滋病毒／愛滋病的警覺性。委員會與多個組織合力制訂預防愛滋病毒感染／愛滋病及照顧婦女的策略。這包括：

- 制訂以婦女為對象的預防愛滋病的政策及教育活動；
- 在現有的驗身、婚前服務和例行產前檢查中加入免費愛滋病毒抗體檢驗，以減低對該等檢驗的負面標籤效應，增加社會對有關測試的認受程度；及
- 與不同機構合作促進社會對女性愛滋病感染者的接納，打擊有關的歧視行為。



Building a More Accessible Social and Physical Environment

Making our social and physical environment accessible is essential for people with disabilities to enjoy their economic, social, cultural and political rights. Addressing this issue, the Commission has worked with the Government and the private sector in the past year, to promote the concept of universal design and the mainstreaming of equal opportunities in a number of areas.

Accessibility of public transport services has always been a major concern for people with physical and visual disabilities. The Commission has urged the Government and franchised bus operators to aim at making all franchised buses fully accessible within a specified time frame. In addition, the Government should make it a franchise condition that operators procure only fully accessible buses for fleet replacement or route expansion. Through persistent lobbying by the Commission and disability groups, one of the bus companies agreed to convert some of its newly acquired vehicles with portable ramps into ones with fixed ramps.

As about half of Hong Kong's population live in public housing, the Commission conducted a check-walk with the Housing Authority in early 2000, to examine the accessibility of their housing estates and to make recommendations for follow up action. The study report, completed in August 2000, recommended improvement works and priorities. The Housing Authority has initially set aside \$7 million for improvements.

The right to vote is an important political right for every citizen. Prior to the Legislative Council Elections in September 2000, the Commission made suggestions to the Registration and Electoral Office to enable the disability community to participate more fully in the elections. As a result of the Commission's discussion with the Government, some temporary improvement measures were made.

Hong Kong has a strong 'dining-out' culture. Unfortunately the lack of accessible toilet facilities and inadequate circulation space in restaurants often prevent the wheelchair community from participating in this popular social activity. The Commission has proposed that the Government incorporate the provision of accessible toilets and other facilities as a licensing condition for food establishments and is awaiting Government response to this suggestion.



HIV/AIDS and the Community

During the year, we worked closely with health care professionals, community organizations and concern groups to raise awareness of the legal rights of people living with HIV/AIDS. To facilitate trust and to encourage them to seek assistance when needed, an officer has been designated to answer their enquiries. Based on EOC's advice, the Drug Treatment Centre Code was modified to eliminate some of the procedures that could arouse discomfort in people, with blood-borne diseases such as AIDS, seeking the service.

The Commission has adopted a promotion strategy to raise awareness of the vulnerability of women to HIV/AIDS infection. Together with other committees, the EOC has been actively involved in the development of a strategy on HIV/AIDS prevention and care for women. This strategy includes:

- Development of AIDS prevention policies and education programmes targeted for women;
- Incorporation of free and accessible HIV antibodies tests in existing health check-ups, premarital services and routine antenatal examination procedures to reduce stigmatization and promote acceptance of the tests; and
- Collaboration with different organizations to combat discrimination and promote care and acceptance of HIV-positive women.