

消除歧視－制度及政策檢討

Eliminating Discrimination

- System & Policy Reviews

中學學位分配辦法

推廣平等教育機會一直是委員會的工作重點。委員會提倡男女生應該不分性別，享有同等的學習機會。

自1978年以來，教育署一直沿用「中學學位分配辦法」，分配小六學生到不同的中學就讀。委員會在接到多宗由男、女生家長提出，有關派位程序的性別歧視投訴後，進行了一次正式調查，並於1999年8月公佈調查報告。

調查報告的結論指出，有關制度含性別歧視，並要求教育署作出檢討，使之符合法例的要求。教育署於2000年4月知會委員會，表示不會更改「中學學位分配辦法」。委員會因此於2000年7月就有關制度的三項特徵提出司法覆核。三項特徵如下：

- 調整校內成績分數時，把男、女生的分數分開處理
- 在編訂派位組別時把男女生分開處理
- 根據每間男女校的既定男女生學額作分配

高等法院於2001年6月裁定「中學學位分配辦法」的三項特徵違反《性別歧視條例》，屬於違法。為了就歧視個案作出補救，教育署於2001年7月底推出紓緩措施，以安頓受影響的學生。

自法庭作出裁決後，委員會便與教育署、學校校長和國際專家合作，共同探討有關問題。委員會與教育界就「中學學位分配辦法」的司法覆核結果，以及其對現有教育制度的影響進行了多次分享會，以交流意見。此外，委員會亦於2001年11月舉辦了第二次「廿一世紀男女生的教育」研討會，集中討論「學習與性別差異」，以便汲取本地及海外專家的真知灼見。

教育署於2001年12月宣佈，為了遵守法庭的裁決，會把「中學學位分配辦法」中含性別歧視的成份刪除。該署於2002年2月發表小五小六學生校內成績評估的新指引，並且表示將於2003/04年度進一步檢討「中學學位分配辦法」和於2005/06年度落實長遠的改革措施。

支持「中學學位分配辦法」中有性別因素的意見認為，我們需要確認和接受男、女生的發展和成熟速度不同；但委員會則認為我們應集中找出男女生學習差異的原因，以及找出妨礙所有學生達致優良成績的因素。教育工作者、決策者及家長應確認差異不僅存在於男、女之間，同時亦於相同性別的學生之間出現，並集中探討教育制度應如何令男、女生更有效地學習這個關鍵問題。



The Secondary School Places Allocation System

Promoting equal opportunities in education has been the key focus of the EOC's work. We advocate that boys and girls have equal access to learning at school despite any perceived differences between genders.

Since 1978, Primary Six students were allocated to secondary schools in Hong Kong through the Secondary School Places Allocation (SSPA) System administered by the Education Department (ED). After receiving a number of complaints from parents of both boys and girls on gender discrimination in the allocation process, the EOC conducted a Formal Investigation. The Report was issued in August 1999.

The Report concluded that the System was discriminatory on the basis of sex and asked the ED to review the System so that it is in compliance with the law. In April 2000, ED informed the EOC that it would not change the SSPA System and the EOC sought judicial review on three features in the system in July 2000, -

- separate scaling of internal assessment scores for boys and girls;
- banding of students by sex; and
- sex quotas for placement of Secondary One students in co-educational secondary schools.

In June 2001, the High Court ruled that the three features in SSPA System were contrary to the Sex Discrimination Ordinance and were unlawful. To remedy substantiated cases of discrimination, ED introduced relief measures in late July 2001 to place affected students.

Since the court ruling, the EOC has been working with the ED, school principals and international specialists to look into the issues involved. To this end, several sharing sessions were held to exchange views with the education sector regarding the result of the judicial review of the SSPA System and its impact on the current education system. In addition, a second conference "Boys and Girls in the 21st Century" featuring "Gender Differences in Learning" was held in November 2001 to gain insight and advice from both local and international experts.

The ED announced in December 2001 that the gender-based features of the SSPA System would be removed in order to abide by the Court ruling. In February 2002, the ED released new guidelines for internal assessments of Primary Five and Primary Six students, and said that it would further review the SSPA System in 2003/04 and implement any long-term changes in 2005/06.

In defense of the gender-based features of the SSPA System, views have been expressed of the necessity to recognize and accept the different rates of development and maturity between boys and girls. The EOC holds the view that the focus should be on finding the reasons for gender learning differences, and on ways to identify the factors that constrain the performance of all students and to remove these constraints. Educators, policy makers and parents should acknowledge that differences not only exist between boys and girls, but also among students of the same sex. The education system should be focused on the critical issue of how to make learning more effective for both genders.

Preparing the Community for Inclusion in Schools

One of the objectives of the Disability Discrimination Ordinance (DDO) is to ensure that the education system is fair and does not discriminate against students with disabilities. The completion and subsequent issue of the *Code of Practice (the Code) under the DDO*, a project that first began in 1999, was a benchmark of our commitment in promoting inclusion and equal opportunities in schools. The *Code* provides clear guidelines on the legal requirements of the DDO in education, and promotes equal education opportunities for students with disabilities.



為推行全納教育做好準備

《殘疾歧視條例》其中一個目的，是確保教育制度要公平，不歧視有殘疾的學生。委員會於1999年開始擬備《殘疾歧視條例教育實務守則》（《守則》），於2001年完成及派發，是委員會致力推廣全納教育及學校中的平等機會的重要里程碑。《守則》就《殘疾歧視條例》在教育範疇的法律要求提供了清晰的指引，促進有殘疾學生的平等教育機會。

提高有殘疾學生接受教育的機會，是促進他們日後更全面地參與社會、邁向自立生活和財政上自給自足的基本要素。對其他學生而言，他們亦可從有殘疾學生的優點和經驗中得益。教育是通向各種機會的大門。當一般的學校接納有殘疾的學生，將可為所有學生開拓更廣闊的視野。

為推行此《守則》，委員會與教育署聯合舉辦了一連串講座及研討會，以確保校長及教育界專業人士能更深入瞭解《守則》的細則和影響。此外，一個包括政府、教育界專業人士和家長代表的工作小組，亦會監察《守則》的推行。委員會並繼續參與教育署的「融合教育工作小組」。

為了進一步推廣公眾對有殘疾學童的特殊需要和認識，以及他們享有平等教育機會的權利，委員會於2002年6月舉辦「共同學習 各展所長」教育研討會。在這個研討會中，來自世界各地的醫學及教育專業人士參與討論及交流心得。

與入境事務處合力推行平等機會

委員會於2001年10月發表有關入境事務處（入境處）處理有殘疾人士的程序及培訓需要的研究報告。有關研究是在自閉症男童庚文翰失蹤後，於2000年10月開始進行。研究調查了入境處職員對有殘疾人士的認識及敏感程度、職員對有殘疾人士的認識及期望、入境處的內部指引及指示是否恰當，以及員工的培訓需要。研究初期，委員會為約270名入境處職員進行了初階培訓，藉以提高他們對有殘疾人士的敏感程度。

研究報告指出入境處職員在對殘疾的認識及察覺、平等機會原則及香港的反歧視法例、對有殘疾人士的認識及敏感程度、與有殘疾人士的溝通技巧、以及對有殘疾人士執法等方面有較大的培訓需要。

入境處對研究報告十分支持，並且已大致落實有關報告所提出的短期建議措施，包括頒佈《平等機會使命宣言》、委派兩名首席入境主任處理部門內與平等機會有關的事項和制訂導師培訓課程，又發出《如何處理有殘疾人士的指引》，以提供更全面和統一的資料。委員會正協助該處落實研究報告的其他建議。

接納精神病患者

精神病患者在日常生活的不同範疇經常面對偏見及歧視問題，委員會遂繼續積極倡導精神病患者的平等機會。

委員會與香港中文大學合作進行研究，調查精神病患者受歧視及負面標籤的情況，研究結果將有助委員會制訂日後的工作策略，以消除社會上普遍存在的偏見及敵視態度。



Improving access to education by students with disabilities is an essential element in promoting their fuller participation in society, and towards independent living and future economic self-sufficiency. It is also beneficial for other students who will gain from the strength and experience of students with disabilities. As education opens the door to many of life's opportunities, inclusion in schools will expand the horizons of all students.

In implementing this *Code*, a series of talks and seminars were jointly organized with the Education Department (ED) to ensure that school principals and education professionals better understand its implications. Additionally, a Working Group consisting of representatives from the Government, education professionals and parents was formed to monitor the *Code* and its implementation. The EOC also continued to participate in the Task Group on ED's Integrated Education Programme.

To further promote public understanding of the special needs of students with disabilities and their right to equal education opportunities in Hong Kong, a seminar titled "Learning Together: Accommodating Different Needs" was scheduled to be held in June 2002. During this event, medical and education professionals from around the world would discuss and exchange their experiences.

Partnership with the Immigration Department on EO Initiatives

In October 2001, we published our study into the Immigration Department's procedures and training needs in the handling of persons with disabilities. The study was started in October 2000 following the disappearance of Yu Man-hon, the autistic boy. It examined the level of the Immigration Service staff's knowledge and sensitivity to persons with disabilities, the needs and expectations of persons with disabilities, the adequacy of the Department's internal guidelines and instructions, as well as staff training needs. In the early part of the study, preliminary sensitivity training sessions were held for 270 Immigration Officers.

The study report identified a greater need for training among Immigration staff with regard to knowledge and awareness of disabilities, equal opportunities principles and the anti-discrimination legislation in Hong Kong, understanding and sensitivity, communication skills, as well as law enforcement towards persons with disabilities.

The Immigration Department was very supportive of the study report and completed the implementation of most of the short-term recommendations identified in the report. These included an Equal Opportunities Mission Statement in the Discharge of Duties to Members of the Public, the designation of two Principal Immigration Officers to handle departmental equal opportunities matters and a train-the-trainers programme. A set of guidelines was issued on the handling of persons with disabilities to provide more comprehensive and consolidated information. We are working with the Department to help with the implementation of other recommendations contained in the report.

Accepting Persons with Mental illnesses

The EOC continued to advocate for equal opportunities for persons with mental illnesses, who face prejudice and discrimination in various aspects of everyday life.

We conducted a joint study with the Chinese University of Hong Kong to look into discrimination and stigmatization experienced by persons with mental illnesses. The results of the study will help us design future strategies in counteracting prevailing prejudice and hostile attitudes.

The EOC also took up the issue of informing mental patients of their rights before involuntary admission to a mental hospital. Under the Mental Health Ordinance, persons with mental illnesses can request to see a District Judge or Magistrate before an order is made for his or her compulsory admission into a mental hospital. Following a complaint lodged by a person with mental illnesses, our investigation revealed that hospital staff might not consider that they had an obligation to inform persons with mental illnesses of this right.

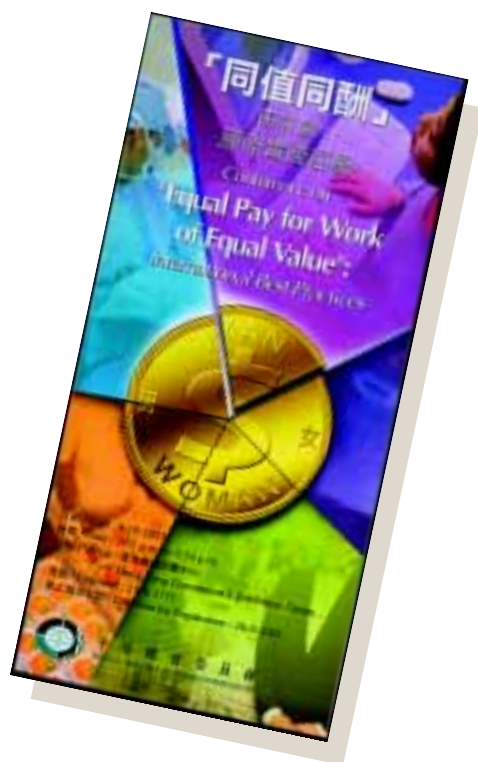
The EOC raised the issue with the Hospital Authority and the Health and Welfare Bureau. The Bureau confirmed that hospitals had a duty to inform patients of their right to see a District Judge or Magistrate. As a result, since 10 September 2001, the Hospital Authority has put new procedures into place - doctors must inform patients of their rights under the Ordinance before they are involuntarily admitted to a mental hospital. According to statistics provided by the Hospital Authority, in the three months following this new arrangement, 109 patients exercised this right with 11 subsequently not ordered for admission to a mental hospital.

另外，委員會亦着手處理精神病人在不自願的情況下被送入精神病醫院前，應獲知其權利的問題。根據《精神健康條例》，當精神病患者被強制入院前，可要求由區域法院法官或裁判官先作出裁決。委員會在接到一名精神病患者投訴後作出的調查顯示，醫院員工可能不認為他們有責任向精神病患者說明其權利。

委員會於是向醫院管理局（醫管局）及衛生福利局提出此問題，衛生福利局亦確認醫院有責任向病人說明他/她有權見區域法院法官或裁判官。結果，自2001年9月10日起，醫管局訂立新的程序－若有精神病患者在不自願情況下入院，醫生必須根據有關法例向他們說明其權利。根據醫管局提供的統計數字顯示，在新安排實施後的三個月內，共有109名病人行使其權利，其中11宗獲下令的病人結果並沒有被送入精神病院。

同值同酬

社會對於性別角色仍然抱有傳統的觀念，影響到婦女的社會經濟地位。今時今日香港男性與女性之間的薪酬差距仍然相當顯著。委員會於是在2000年5月成立了一個專責工作小組，鼓勵在香港逐步推行「同值同酬」。委員會得到政府撥款200萬港元，對香港兩個僱傭範疇（公務員體系及醫管局）進行研究，以「同值同酬」原則，探討有否存在薪酬差距問題；如有，是那類工作；建立有關人員在評估個別工作價值時所需的能力和專門知識；提高公眾認知；和訂定執行「同值同酬」的方法。



選擇公務員體系和醫管局作為研究對象，因為前者是公營部門中的最大僱主，而後者則聘用相當多的女性。專責工作小組定期討論有關研究的設計、研究方法、結果及建議等。一位來自加拿大的專家與委員會合作，採用加拿大沿用的性別中立方法來進行工作評估，另外兩位本地顧問則與該專家共同編纂有關結果及作出建議。

研究小組為技能、責任、付出努力和工作環境四項因素加上不同的量值以作評估。研究小組根據三項準則選出進行研究的工作：有關工作是以男性或女性為主（即75%或以上在職者屬同一性別）、包括由低至高的不同薪酬幅度，以及從事該項工作人數的代表性。

與此同時，專家又透過對委員會職員進行在職培訓，協助在「同值同酬」方面建立起相當豐富的專門知識，提高對「同值同酬」觀念的認知，以及與專責工作小組成員交流經驗。委員會亦繼續進行有關「同值同酬」的公眾教育，例如在2001年10月便舉行了一個名為「同值同酬研討會：國際實踐經驗」的會議，分享加拿大、英國及澳洲實踐「同值同酬」的經驗。

資訊科技人人共享

資訊科技可以是重要的充權工具。可是，要享用資訊科技，同時亦需面對重重障礙，例如輪椅使用者難以使用自動櫃員機，而有視障人士無法像其他人一樣獲取資訊和使用資訊科技，加上受社會經濟因素（如：性別角色、經濟能力、缺乏教育機會、身體和智力有殘疾）的影響，令某些人無法掌握資訊科技。隨著資訊科技在我們日常生活中愈來愈普及，我們需要繼續努力，務使每個人都能享用資訊科技。

委員會於本年度曾就政府所制訂的資訊科技發展政策，提交有關弱勢社群的數碼共融問題的意見，包括把有殘疾人士及婦女的特殊需要納入主流、除去學校選科時的性別定型觀念，以及提供調適裝置等。為了讓有殘疾人士能享受資訊科技進步所帶來的好處及自立能力，委員會與香港銀行公會組成工作小組，共同研究有殘疾人士使用電子銀行服務的問題。

為了消除數碼障礙，讓所有婦女都有能力成為知識型社會的一份子，委員會定期與婦女團體會面，以瞭解婦女在接受資訊科技訓練及使用有關設施時所遇到的問題，並把她們的關注轉達到各有關政府部門，亦邀請了這些團體參與委員會所舉辦的終生學習網上課程的導論班。

在充權過程中，委員會繼續與資訊科技界緊密合作，大力支持由互聯網專業人員協會所舉辦的「網絡無障礙行動」，向婦女及有殘疾人士推廣資訊科技的運用及相關培訓。

Equal Pay for Work of Equal Value

Traditional views about gender roles still prevail in our society and affect the socio-economic status of women. In Hong Kong today, substantial wage gaps still exist between women and men. The EOC established a Task Force in May 2000 to encourage the progressive implementation of equal pay for work of equal value (EPEV) in Hong Kong. With a government grant of HK\$2 million, a project was launched to study two employment areas - the Hong Kong Civil Service and the Hospital Authority - to see if there are any pay differentials with regard to EPEV, and if so in what types of jobs; to build capacity and expertise in EPEV; to raise public awareness; and to put EPEV work practices into place.

The Civil Service was selected for study because it is the largest public sector employer while the Hospital Authority was chosen, as it is one of the largest employers of women. The Task Force met regularly to discuss the study design, methodology, findings and recommendations. A Canadian specialist worked together with the EOC, using a Canadian gender-neutral tool to carry out job evaluations, while two local consultants worked with the specialist to compile the findings and make recommendations.

Different weightings were given to four factors - skill, responsibility, effort and working conditions. Jobs were selected based on three criteria. They had to be male- or female-dominated (75% or more of one gender), representing a range of different salaries, and providing as large a pool of staff as possible.

In parallel with the study, the specialist helped to build considerable EPEV expertise with on-the-job training for our staff while also generating awareness and exposure of the concept, sharing her experiences with members of the Task Force. The EOC also continued its public education programme for this important concept. A conference, on "Equal Pay for Work of Equal Value: International Best Practices", was convened in October 2001, sharing knowledge on how this principle was practiced in Canada, the United Kingdom and Australia.

Access to Information Technology (IT)

Information technology can be an important tool for empowerment. There are, however, a number of barriers to accessing information technology. For example, wheelchair users may find it difficult to use ATMs and persons with visual impairments do not have equal access to information and IT. Additionally socio-economic factors, such as gender roles, financial ability, lack of access to education and physical and mental disabilities, can also create barriers to access. With the increasing use of IT in our day-to-day lives, we continue to work towards equal IT access for all.

During the year, we submitted our views on digital inclusion of the vulnerable in government policies on IT development. These include the mainstreaming of the special needs of persons with disabilities and women, the removal of gender stereotypes in school subject selection and the provision of adaptive devices. To enable persons with disabilities to enjoy the benefits and independence brought about by advances in information technology, the EOC formed a working group with the Hong Kong Association of Banks to look into the accessibility issues in electronic banking services.



委員會代表亦參與政府的資訊網頁跨部門委員會，以及民政事務總署的「推廣婦女使用資訊科技」中央統籌委員會，就婦女使用資訊科技的平等機會提供意見。另外，委員會亦有回應政府的「資訊科技人力供應專責小組」，促請政府善用婦女及有殘疾人士的人力資源，並促請職業訓練局收集職業方面的性別分隔資料，以預測未來的人力供求情況。

倡議平等機會

委員會於本年度曾就改善平等機會環境作出若干建議及提交書面意見。在向貿易署提交的《就檢討〈版權條例〉若干條文的諮詢文件所作的回應》意見書中，我們要求有關條例所指的複製副本的權利，應包括一切有殘疾人士可使用的格式，其中包括視障人士。同時，在回應規劃署的《香港城市設計指引》時，委員會建議採用能為每個人創造合適居住環境的通用設計，並以此作為所有建築設計的指導原則。

在呈交予立法會的《性行為與限制捐血措施》意見書中，委員會建議應根據「經客觀評估的」高風險性行為來篩選捐血者，而反對把某類人假設為高風險群體。另外，委員會亦於2001年4月就香港特別行政區參照《經濟、社會、文化權利的國際公約》提交的報告作出非政府報告，當中

羅列了委員會對香港履行該國際公約的觀點，並建議改變委員會法律上的權力、改變政府的招募程序，以及讓委員會可代表弱勢群體就他們的權利作出相應行動。這些工作能協助香港向前邁進，建立這些權利，實現香港成為世界重要都市的目標。

教師與學生的服飾守則

委員會與香港教育人員專業協會於2001年進行了一個有關教師與學生服飾守則的調查。在55%的回應者當中，29%的學校只准女教師在攝氏10度以下穿着長褲，而有84%的受調查學校對女生施以同樣的守則。受訪教師大多數贊成更改有關政策，准許女教師及學生都可穿着長褲上學。委員會曾代表個別投訴者成功說服25間學校更改其教師服飾守則。



To remove digital barriers and enhance the capacity of all women to become full members of the knowledge-based economy, the EOC keeps regular contacts with members of women concern groups to understand the problems faced by women in accessing IT training and facilities, and to relay their concerns to the respective government departments. These groups have been invited to attend introductory sessions organized by the EOC on on-line education for life-long learning.

We continued to work closely with the IT industry in the empowerment process, strongly supporting the Web Care campaign launched by the Internet Professionals Association. The campaign promotes awareness and training in the use of IT among women and persons with disabilities among other objectives.

EOC representatives also sat on the Government's inter-departmental committee on issues related to web accessibility for government homepages, and the Home Affairs Department's Central Co-ordinating Committee on the Promotion of IT to Women, to provide our perspective on the equal opportunities aspect of IT and women. In response to the Government's Task Force on IT Manpower, we have urged the Government to tap into the potential of women and persons with disabilities as a source of labour supply. We also urged the Vocational Training Council to collect gender-segregated data in manpower projection.

Advocating for Equal Opportunities

During the year we made a number of proposals and submitted suggestions that enhanced the equal opportunities environment. In our submission on the *Review of Certain Provisions of the Copyright Ordinance* to the Department of Trade, we requested that the right to make copies under the ordinance should cover all accessible formats and adaptations required by persons with disabilities, including those with visual impairments. Similarly in our response to *Urban Design Guidelines for Hong Kong*, issued by the Planning Department, we recommended that universal design, creating a suitable living environment for everyone, be adopted as a guiding principle for all building design.

A paper was also submitted to the Legislative Council on the *Preclusion for Blood Donation based on Sexual Behaviour*, recommending that donor screening should be based on "objectively assessed" high risk sexual behaviour as opposed to perceived high-risk groups. An *NGO Report of the EOC on the HKSAR's Report on the International Covenant on Economic, Social and Cultural Rights* was submitted in April 2001 listing our views on the compliance and implementation of rights in Hong Kong under this international agreement. We have recommended changes in the legal powers of the EOC, government recruitment procedures and action on behalf of vulnerable groups in the enjoyment of these rights. These activities will help Hong Kong move forward in establishing these rights, cementing Hong Kong's objectives to be seen as a leading world city.

Dress Codes for Teachers and Students

A survey was conducted with the Hong Kong Professional Teachers' Union in 2001 on the dress codes of teachers and students. Of the 55% who responded, 29% of the schools only allowed female teachers to wear trousers when temperatures fell below 10°C. The same code applied to female students in 84% of the schools surveyed. The majority of the teachers surveyed favoured a change in the policy that would allow both female teachers and students to wear trousers to school. The EOC, acting on behalf of individual complainants, was successful in convincing 25 schools to change its dress codes for teachers.

