

## 僱主應在歧視行為發生前採取預防措施

殘疾歧視條例的目的是防止歧視。若已發生違法歧視，無論如何迅速補救，都不足以免除責任。

我們的生活環境輔導服務 (EAS) 團隊可以在這方面幫助業主/營運單位檢視營運場地，並協助擬訂平等機會政策及為員工提供平等機會培訓。

我們具備40年經驗，團隊包括建築師，職業和物理治療師及其他醫護人員，是本港唯一匯聚建築師與醫療人員所長提供全面無障礙專業服務的機構。

我們的環境巡查會：

- 檢查場所是否符合現行法例標準；
- 確定如何改善建築物的無障礙設施，以及找出各種限制因素；
- 按已策訂的改善進程，建立持續無障礙設施改善計劃。

## Employers should take precautionary measures before discrimination occurs

The enactment of the Disability Discrimination Ordinance is to prevent discrimination. If discrimination were identified, it is impossible to shirk the responsibility however swift the remedial steps were taken.

Our Environmental Advisory Service can help owners/operators to conduct access audit, assist in drafting an equal opportunity policy and provide training on equal opportunity for your employees.

With over 40 years of experience, our team includes architect, occupational therapist, physiotherapist and other health care professionals. It is the only team in Hong Kong that offers comprehensive services in this field with the combined expertise of architect and medical professionals.

Our Access audit includes:

- Benchmark your level of compliance with the prevailing standards.
- Identify improvement areas in aspects of your building's accessibility and factors that limit the extent of enhancement.
- Create an ongoing improvement plan that links with your existing maintenance activities.



為私人機構辦公室作檢查及改善建議  
Provide office space audit and improvement suggestion to private company



向浸會大學學生宿舍建議改善項目  
Suggest improvement work for Baptist University Student Residence Halls

“沒有做環境通道審核意味著你還未完全察覺可在不同情況下做出歧視殘疾的違法行為，以及應採取什麼必要措施才能確保你的政策、程序和做法不會導致歧視殘疾。”

“Not having an Access Audit means you may not be fully aware of the different ways in which unlawful discrimination can occur and what necessary steps to take to ensure that your policies, procedures and practices do not lead to unlawful discrimination.”

## 查詢 Enquiry:

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## 殘疾歧視條例(第487章)

### 對你和你的業務場地 有什麼影響？

### Disability Discrimination Ordinance (Cap. 487)

### What is the impact on you and your premises?

### 哪些重點我要知？ What's in it for me?



## 場所太舊雖或可豁免安裝無障礙設施，但不能提供同等服務給殘疾人士仍有可能觸犯〈殘疾歧視條例〉

Your premises might be able to get away with installing new barrier-free facilities because of its age but you may still be liable for not providing the same service to a person with disabilities.

### 〈殘疾歧視條例〉你要知 What you need to know about 〈Disability Discrimination Ordinance〉

殘疾人士和其他人一樣須得到平等和具尊嚴的對待。這包括進入處所通道及享用貨品及各種服務等

People with disabilities should be treated equally and with dignity as others. This includes access to premises as well as goods and services



## 我在舊建築物中經營是否可不用理會《殘疾歧視條例》？

政府於2008年12月1日實施經修訂的《建築物（規劃）規例》第72條，並頒布《設計手冊：暢通無阻的通道2008》，進一步改進無障礙設施設計的規定。惟香港整體易達程度至今仍未令人滿意。業主和管理人或誤以為處所在有關規例頒布前興建而可獲豁免。

但即使《建築物（規劃）規例》第72條沒有追溯期，殘疾人士若未能受到和其他健全人士接受到的同等待遇，他們仍可按《殘疾歧視條例（第487章）》向你提出投訴。

## 我有“不合情理的困難”是否因此可獲豁免？

無障礙諮詢委員會會就建築圖則先作審核，並向建築事務監督提出建議決定是否接納為不合情理的困難。

若是有人認為受到服務/貨品供應者歧視，並按《殘疾歧視條例》向平等機會委員會提出投訴，該會會對事件進行調查了解被告人是否有不合情理的困難，並會致力為雙方進行調解。

若個案未能解決，投訴人可向法律援助署申請法律援助或自行提出訴訟。

無論如何，業主或營運者均有責任提供資料舉證作辯護，惟當中涉及的法律費用及時間可能為數不菲。

### 預先定立「合理可行的措施」

業主/營運單位應盡早採取「合理可行的措施」，避免對殘疾人士引起不必要的歧視和爭拗。建議業主/營運單位應盡快：巡查營運場地並訂立平等機會政策；為所有員工提供平等機會培訓；訂立申訴程序處理歧視投訴；委派職員處理歧視投訴等。

### Put “reasonably practicable steps” in place

Owners/operators should take “reasonably practicable steps” as soon as possible to prevent unnecessary discrimination and disputes against people with disabilities. It is recommended that they: examine the premises and establish an equal opportunity policy; provide training on equal opportunity for all employees; establish proper procedures to deal with discrimination complaints; and designate staff to handle discrimination complaints.

## Can I ignore the Disability Discrimination Ordinance if I operate my business in an old building?

The level of accessibility in Hong Kong is still far from satisfactory even though the revised Section 72 of Buildings (Planning) Regulations (the “Regulations”) has come into force for years. This is because some misunderstand that they are exempted from the Regulations as the premises in which their businesses are operating were built before 1997.

Yet even the Regulations do not carry a retrospective clause, a person with disabilities can still lodge a complaint against you for contravening the Disability Discrimination Ordinance (Cap.487) if he were not treated equally as others in your organisation/business.

## Can I be exempted if I have “unjustifiable hardship”?

Following approval of building plans, Advisory Committee on Barrier-Free Access will advise Building Authority on whether the owner of the premises has the ground of claiming unjustifiable hardship in providing certain barrier-free access facilities.

If a complaint is made under the Disability Discrimination Ordinance, the Equal Opportunities Commission will investigate and see whether the defendant has unjustifiable hardship in providing the goods or services and will mediate between the two parties for getting a mutual agreement.

If the complainant is not satisfied with the outcome, he could file a lawsuit on his own. In any case, the litigant is always responsible to provide evidences for defending, and the legal cost and time involved could be much more than expected.



我們可助一臂之力!  
We can help!

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