



## 1997 暢通無阻的通道 設計手冊

### 成爲 1997 前的阻礙物

#### 97 前購置單位後成輪椅人士

案主是一名嚴重四肢傷殘人士，現居於沙田大埔某大型私人屋苑大廈，案主在購入此單位後便不幸發生嚴重工業意外而導致四肢傷殘，隨即而來便要面對大堂沒有輪椅通道設施的障礙，現時居住之大廈大堂設有數層樓梯級，一般人進入了大堂門口後，需要行上樓梯級後始能到達電梯處等候乘搭電梯，正因如此，案主十多年來均不能夠獨自出入，每次出外均需由管理員協助先安裝“活動式斜台”上落大堂與電梯處，斜台險峻之餘，亦根本不符合屋宇署發出的安全斜台條例 1 比 12 標準之比例，臨時斜台不但既違法也構成潛在危險，使用活動斜台時更做如置身於踏上懸空網線。

#### 控訴無門 合法無理

案主於 2001 及 2005 兩度去信「平等機會委員會」投訴業主立案法團未有加建殘疾通道，但案情一直處於拖拉狀態，最終經過大堂裝修工程報價、專業治療師屋宇環境評估及全體業主諮詢大會的多番磋商後，案件最終列為“調解不成功”處理，至於對方解釋是九七年前之樓宇興建沒有法例監管承建商需要為出入口處設有輪椅通道，而業主及物業管理公司諮詢過專業律師意見後，透過律師回覆案主他的要求不獲接納，案主無奈接受結果。

#### 七年來足不出戶 七年後限時出戶

礙於“1997 暢通無阻手冊”的條例下，案主失去平等的待遇權，時光既無法回到 97 前，法例也沒有追溯權，案主唯有自求多福，入住頭七年他足不出戶，七年後限著出戶次數，因為每次出入都需依賴人手搭建臨時斜台，當踏上斜版後又需其他人從旁協助上落，不但費時、擾人，更構成不平等對待，難道平等需要配合年份嗎？

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'Even rockets can be sent into space. All I have asked for is a little ramp'

# Ah Chi's misery tip of iceberg

Polly Hui

Life has dealt quadriplegic Ah Chi a tough hand for the past 14 years; not only has he lost the ability to move, but also the basic right to leave his Tai Po flat with dignity.

And now, with a failed equal opportunity case and the " theft " of his compensation behind him, he faces a tough new legal battle - if he can get legal aid.

The nightmare began for former electrician Ah Chi, who bought a pre-built flat in Uptown Plaza next to Tai Po KCR station in the late 1980s, when a fall from scaffolding left him a quadriplegic in 1990.

It suddenly became impossible for Ah Chi, who is permanently confined to a wheelchair, to leave his building unaided because the lifts on the ground floor are connected to the lobby only by a small, steep staircase.

As a result, the 48-year-old was a virtual prisoner in his flat for the first six years of his disability. He left only for hospital visits, when his wife would summon five porters to lift him and his electric wheelchair, weighing a combined 150kg, down the staircase.

Ah Chi asked property owner Sun Hung Kai to build a ramp but was told it was not structurally fea-

sible. "Even rockets can be sent into space. All I have asked for is a little ramp, how come nobody can help me?" he said.

He was dealt another blow earlier this year when he realised he could not get a cent of the \$10 million in compensation he was awarded after a 14-year legal battle; his employer at the time of the accident had declared bankruptcy by the time the case was closed.

To give himself greater freedom, Ah Chi paid more than \$2,000 for a 2.5-metre-long wooden plank, which the porter places over the staircase every time Ah Chi comes out of the lift. Ah Chi has to be strapped tightly to his wheelchair before descending. "It is quite dangerous because the incline is steep," he said.

Many of the residents complain that the plank temporarily blocks the staircase.

His wife said: "Once I heard some neighbours saying behind our back, 'Imagine how troublesome it would be if he leaves the building twice or thrice a day'.

"Some residents said we should move out if we were so dissatisfied with the building."

Ah Chi said he often had to act blind and deal to avoid the unfriendly attitude of the residents.

The couple, who receive Comprehensive Social Security Assistance, said they could not move to another private flat. If they sold their flat, they would have more money than applicants for public housing are allowed.

Ah Chi also asked the building's incorporated owners to help. They told him a ramp could be built in the lobby if they shared a cost of more than \$1 million. The plan was voted down after several meetings.

"I was present in the last meeting but I could not voice my view because the microphone was never passed to me," he said.

Ah Chi filed a complaint to the Equal Opportunity Commission under the Disability Discrimination Ordinance two years ago, saying the building's management office had ignored his basic accessibility needs for more than 10 years.

But the commission failed to reconcile the parties after a series of meetings and the case was closed last year. Ah Chi was told he could take the matter to court and apply for legal aid.

"There is no guarantee that I will receive legal aid," the frustrated quadriplegic said.

"Even if I win this legal case, my life won't be made easier as it will further provoke the neighbours."

## Buildings probe to focus on access for disabled and elderly

Polly Hui

The Equal Opportunities Commission plans to launch an investigation next year into the building-access problems faced by the disabled and elderly.

Residential areas, commercial buildings and public transport would be inspected to identify accessibility black spots, commission spokeswoman Mariana Law Pochu said.

Ms Law said the group would also review complaints received over the past few years and advocate a universal design to make facilities accessible to all.

"We have been fully aware of the accessibility problems faced by the disabled, the elderly and pregnant women for many years," she said. "We hope that the investigation will enable us to adopt a systematic approach to solve these problems."

Ms Law said previous investigations had been smaller and piecemeal.

accessibility under the Disability Discrimination Ordinance were lodged with the commission between 2001 and July this year. Of these, 39 cases were solved by conciliation and 24 were found to be unsubstantiated.

The 1995 ordinance says it is unlawful to discriminate against a person with a disability by denying them access to buildings the public is entitled to enter or use.

Ms Law said the commission hoped the investigation could be launched next year. It would collaborate with government departments, property groups and non-governmental organisations.

Ng Yan-ye, an organiser at the

First Step Association, a group helping people seriously injured at work, said she would support the investigation if it resulted in more resources and helped improve the environment for the disabled.

But she urged the government to look into the loopholes of design regulations introduced by the Building Department in 1997. There were accessibility problems in many pre-1997 structures because laws were not retrospective.

"I understand that major structural changes are not feasible in some old residential buildings. However, the government must give disabled people an alternative to being imprisoned. One way to do so is to give them discretion and priority to move to public housing flats that provide better accessibility," she said.

Timothy Ma Kam-wah, executive director of the Senior Citizen Home Safety Association, urged the government to speed up work in old buildings to cater for the ageing

### TALKBACK

What should be done to give the disabled better access to the community?

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