

平等機會委員會

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EQUAL OPPORTUNITIES COMMISSION

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**By Fax: 2509 0775**

29 April 2011

Mr. Raymond LAM  
Clerk to Subcommittee on Revised Code of Practice on  
Employment under the Disability Discrimination Ordinance  
Legislative Council  
Legislative Council Building  
8 Jackson Road, Central  
Hong Kong

Dear Mr. LAM,

**Subcommittee on  
Revised Code of Practice on Employment under  
the Disability Discrimination Ordinance**

In the meeting on 28 April 2011 of the Subcommittee on Revised Code of Practice on Employment under the Disability Discrimination Ordinance, the Equal Opportunities Commission (EOC) was requested to produce statistical information on the complaint trend relating to the Disability Discrimination Ordinance (DDO).

The EOC is furnishing the following documents for Members' information:

1. Statistics on DDO Enquiries (Annex 1)
2. Statistics on DDO Complaints (Annex 2)
3. Statistics on DDO Conciliation (Annex 3)
4. Statistics on Applications for Legal Assistance (Annex 4)
5. List of Concluded DDO Court Cases (Annex 5)

Yours sincerely,

Maggie WU

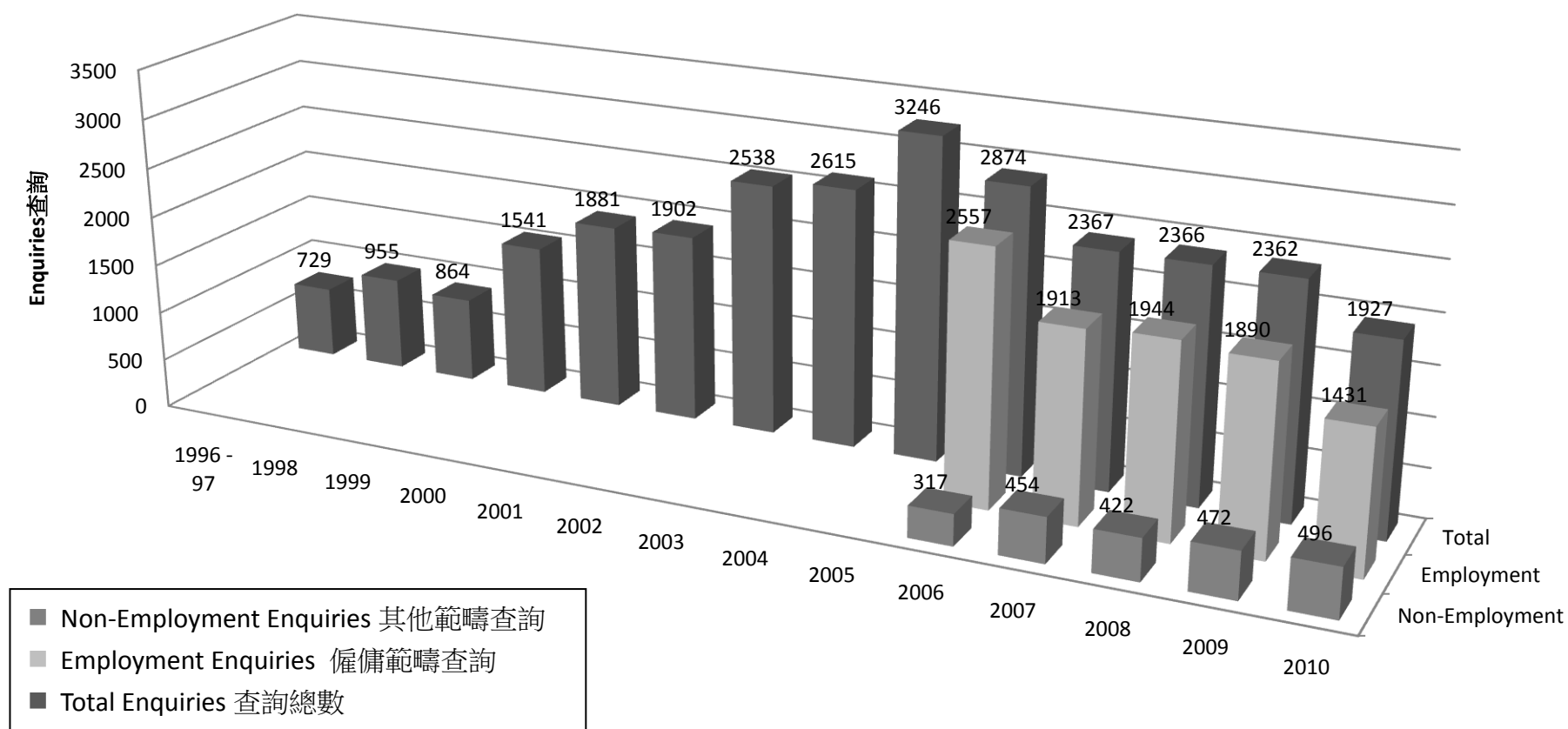
Senior Equal Opportunities Officer (Compliance)

Encls.

c.c. Mr. Stephen SUI, Commissioner for Rehabilitation, Labour and Welfare Bureau  
(Fax No.: 2543 0486)

## Statistics on DDO Specific Enquiries<sup>①</sup>

### 《殘疾歧視條例》具體查詢數目



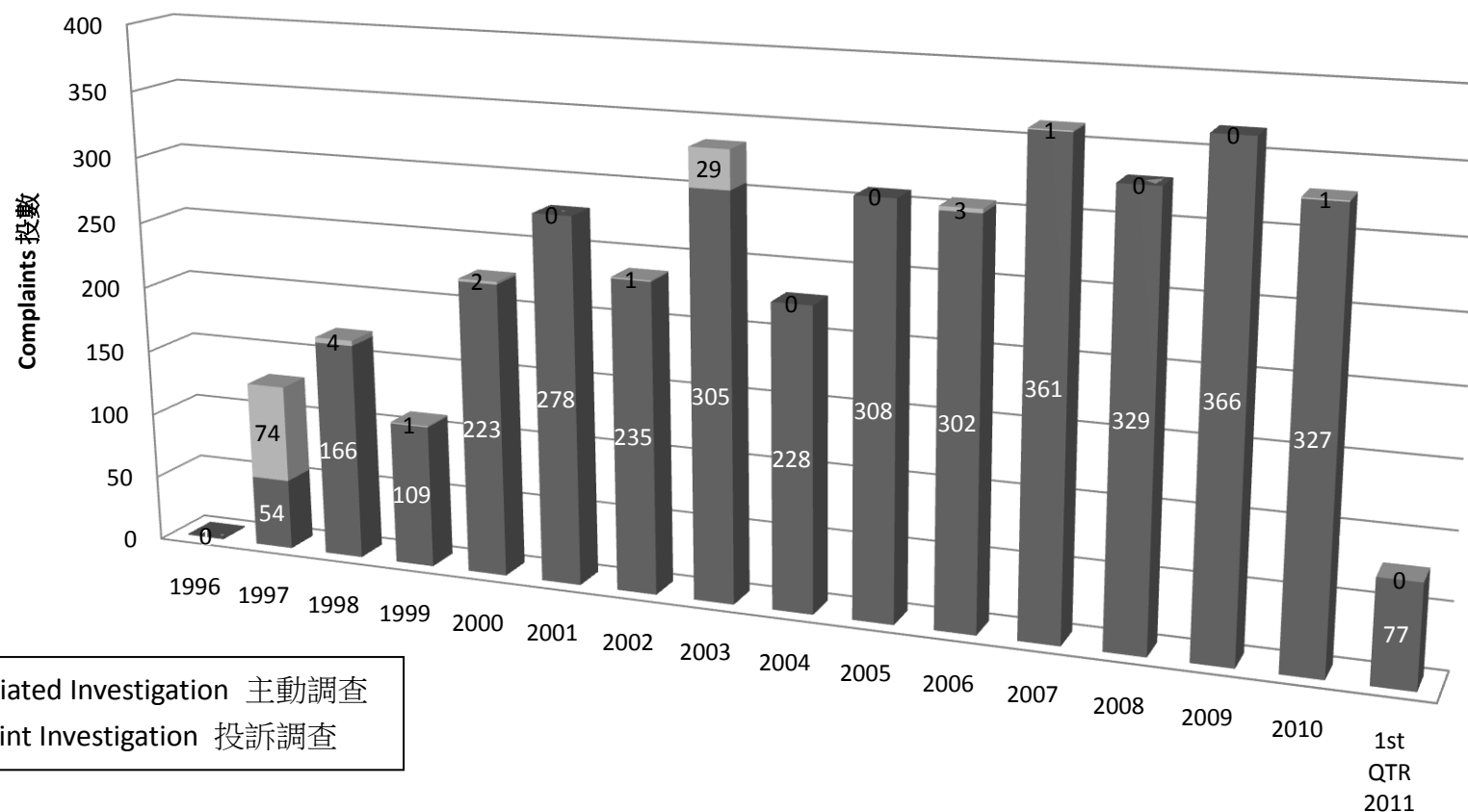
① Enquires that may turn into complaints under the DDO.

有可能轉為殘疾歧視投訴的查詢。

② EOC has implemented a new complaint management system from 1 April 2006 and introduced finer classifications of enquiries..

平機會已於 2006 年 4 月 1 日起推行新的投訴管理制度，並對查詢作出更仔細的分類。

## Statistics on Employment Related DDO Complaints 《殘疾歧視條例》僱傭範疇投訴數目



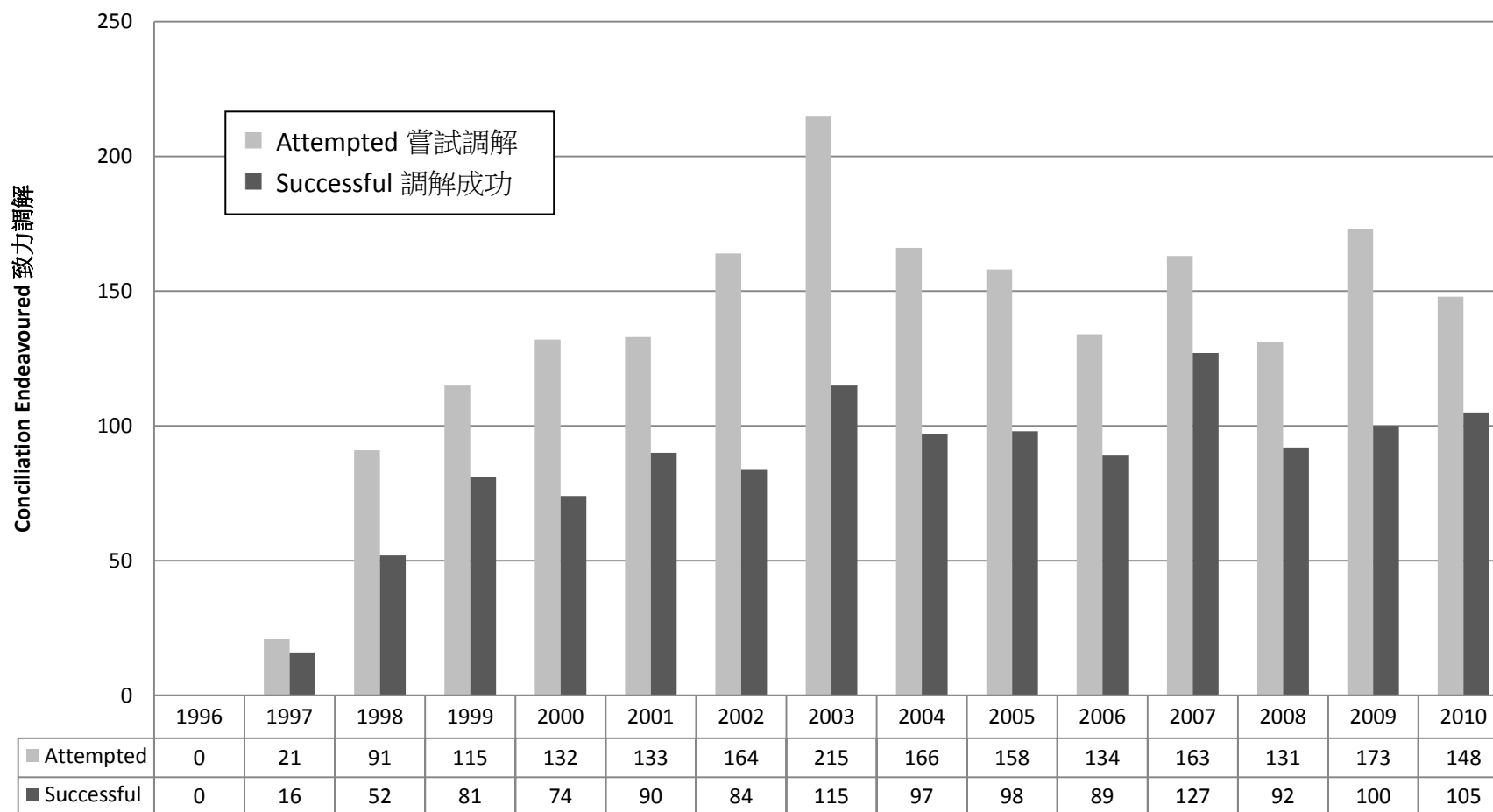
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	1st QTR 2011
Self-initiated Investigation	0	74	4	1	2	0	1	29	0	0	3	1	0	0	1	0
Complaint Investigation	1	54	166	109	223	278	235	305	228	308	302	361	329	366	327	77

As at 31 March 2011, there are 5,112 DDO complaints for investigation in total; 3,669 are employment related.

截至 2011 年 3 月 31 日為止，共收到 5,112 宗根據《殘疾歧視條例》提出的投訴調查，其中 3,669 宗屬僱傭範疇。

# Statistics on DDO Conciliation

## 《殘疾歧視條例》投訴的調解數目



①Average conciliation success rate is roughly 64% 調解成功率平均約為 64%

②Of all the 5,112 (3,669 employment related and 1,443 non-employment related) DDO complaints, 2,822 (2,178 employment related and 644 non-employment related) were discontinued after investigation on ground of: no unlawful act; no desire to pursue complaint; lapsed over 12 months; should not be a representative complaint; being frivolous, vexatious, misconceived or lacking in substance.

在全部 5,112 宗根據《殘疾歧視條例》提出的投訴中(3,669 宗屬僱傭範疇，1,443 宗屬非僱傭範疇)，有 2,822 宗(2,178 宗屬僱傭範疇，644 宗屬非僱傭範疇)經調查後被終止調查，原因是：無違法行為；不想追究；已超過 12 個月；不屬代表投訴；投訴屬瑣屑無聊、無理取鬧、基於錯誤理解或缺乏實質。

# Statistics on Application for Legal Assistance

## 法律協助申請數目

(Total DDO Cases as at 31 Mar 2011)

(截至 2011 年 3 月 31 日的全部殘疾歧視個案)

### Overall 全部個案

	Employment 僱傭範疇	Non-employment 非僱傭範疇	Total 總數
<b>Granted 給予*</b>	84	42	126
<b>Not Granted 拒絕給予</b>	152	40	192
<b>Withdrawn 撤銷</b>	2	1	3
<b>Under Consideration 正在審議中</b>	4	1	5
<b>Total 合計</b>	<b>242</b>	<b>84</b>	<b>326</b>

### \*Granted Cases 給予援助的個案

	Employment 僱傭範疇	Non-employment 非僱傭範疇
<b>Settled (before court proceedings) 於進行法律程序前已和解</b>	22	15
<b>Proceed to Court 進行訴訟**</b>	29	14
<b>Withdrawn 撤銷</b>	28	10
<b>Ongoing 正在處理中</b>	5	3
<b>Total 合計</b>	<b>84</b>	<b>42</b>

### \*\*Court Proceedings 進行訴訟的個案

	Employment 僱傭範疇	Non-employment 非僱傭範疇
<b>Writs Issued 已發出令狀<sup>1</sup>:</b>	<b>28</b>	<b>11</b>
<b>Won 勝訴</b>	6	1
<b>Lost/Withdrawn 敗訴/撤銷</b>	1	1
<b>Settled out of Court 庭外和解</b>	19	8
<b>Ongoing 正在進行中</b>	2	1

<sup>1</sup> Some cases are combined/grouped when writs were issued 有些案件在發出令狀時合併/集合一起處理

## List of Concluded DDO Court Cases (as at 31 March 2011)

EO No.	Citation	Case Nature	Claim Nature	Plaintiff/ Appellant	Defendant/ Respondent	Writ Issued	Trial Date	Judgment Date	Decisions
EO 1 of 1997	[1991] 1 HKC 714 [1992] 2 HKLRD 263	N	Disability discrimination by taxi driver	Ma Bik Yung	Ko Chuen	5 Aug 97	18-19,22 Jan 99	3 Mar 99	Won
EO 3 of 1999	[2000] 3 HKLRD 77	E	Disability discrimination on ground of disability of a family member – recruitment policy	K	Fire Services Department	6 May 99	27 Mar – 5 Apr 00	27 Sep 00	Won
EO 4 of 1999	[2000] 3 HKLRD 77	E	Disability discrimination on ground of disability of a family member – recruitment policy	Y	Fires Services Department	6 May 99	27 Mar – 5 Apr 00	27 Sep 00	Won
EO 7 of 1999	[2000] 3 HKLRD 77	E	Disability discrimination on ground of disability of a family member – recruitment policy	W	Hong Kong Customs & Excise Department	6 May 99	27 Mar – 5 Apr 00	27 Sep 00	Won
FACV 25 of 2000	[2002] 2 HKLRD 1 [2006] 9 HKCFAR	N	Disability discrimination by taxi driver – power to order apology against D	Ma Bik Yung	Ko Chuen		26 May 01	5 Oct 01	Won
EO 9 of 2004	[2004] 2 HKLRD 77	E	Disability discrimination – dismissal whilst on sick leave	Siu Kai Yuen	Maria College	3 Jun 04	2-4 Feb 05	18 Apr 05	Won
EO 8 of 2006	[2008] 2 HKLRD 56	E	Disability discrimination – dismissal	Ip Kai Sang	Federal Elite Limited	22 Sep 06	19-21, 24 Dec 07	7 Mar 08	Won
DCEO 2/2007	[2008] 5 HKLRD 340	E	Disability discrimination – dismissal	Kwok Wing Sun	Law Yung Kai Trading as Wan Kou Metal & Plastic Factory	11 Apr 07	28-30 Apr 08	21 May 08 4 Dec 08 (assessment of damages)	Won
DCEO 5/2009		N	Disability vilification	Tung Lai Lam	R1: Oriental Press Group Limited R2: The Suns News Publisher Limited	7 Apr 09	7-8 Dec 10	27 Jan 11	Lost