



OUR REF.: EOC/CR/COP/01/01
YOUR REF.: CB2/SS/8/10
TEL. NO.: 2106 2112
FAX NO.: 2511 8224

By Hand

5 May 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 3 May 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 further 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 Specific Enquiries, Complaints, Conciliation and Legal Assistance (Annex 1)
2. Supplementary Information - List of Concluded DDO Court Cases (Annex 2)

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Maggie WU', is written over a light blue horizontal line.

Maggie WU

Senior Equal Opportunities Officer (Compliance)

Encls.

c.c. Mr. Stephen SUI, Commissioner for Rehabilitation, Labour and Welfare Bureau

Statistics on DDO
Specific Enquiries, Complaints, Conciliation and Legal Assistance
《殘疾歧視條例》的數字
具體查詢、投訴、調解和法律協助
(20.9.1996 to 31.3.2011)

Specific Enquiries 具體查詢		
Total number of specific enquiries 具體查詢總數¹ :	28,631	
Total number of specific enquiries(1996 – March 2006) ² 具體查詢總數(1996-2006年3月)		17,056
Employment related specific enquiries(April 2006 to 1 st quarter 2011) 關於僱傭範疇的具體查詢 (2006年4月至2011年第1季)		9,300
Non-employment related specific enquiries (April 2006 to 1 st quarter 2011) 非僱傭範疇的具體查詢(2006年4月至2011年第1季)		2,275
Complaints Received 收到的投訴個案³		
Total number of complaints 投訴個案總數 :	5,793	
Complaints Investigation 投訴調查 ⁴		5,112
Self-Initiated Investigation 主動調查 ⁵		681
Complaints Investigation 投訴調查個案		
Total number of complaints handled (not including self-initiated investigation)	5,112	
已處理的投訴個案總數(不包括主動調查):		
Investigation not possible 無法進行調查 ⁶	2	
Cases discontinued 終止調查:	2,981	
Early resolution 提早解決 ⁷		159
Other situations 其他原因 ⁸		2,822
Cases proceeded to conciliation 作出調解的投訴	1,972	
Cases under investigation/conciliation 現正進行調解的投訴	157	
Cases Proceeded to Conciliation 作出調解的投訴個案		
Total number of conciliation attempted 曾嘗試調解的投訴個案總數 :	1,972	
Conciliated cases 成功調解		1,239 (63%)
Conciliation unsuccessful 未能成功調解		733 (37%)
Application for Legal Assistance 申請法律協助的個案		
Total number of applications 申請總數 :	326⁹	
Granted 給予		126
Not granted 拒絕給予		192
Withdrawn by applicants 申請人撤銷申請		3
Under consideration 正在審議中		5
Total cases granted for legal assistance 獲給予協助的個案 :	126	
Settled before court proceedings 於進行法律程序前已和解		37
Proceed to court 進行訴訟		43
Withdrawn 撤銷 ¹⁰		38
Ongoing 正在處理中		8
Court Proceedings 進行訴訟的個案		
Total writs issued 發出令狀總數 :	39¹¹	
Won 勝訴		7
Lost 敗訴		1
Withdrawn during court proceeding 訴訟中途撤銷案件		1
Settled out of court 庭外和解		27
Ongoing 正在進行中		3

Foot Note

¹ Specific enquiries are either related to the employment field (e.g. discrimination related to recruitment policy, terms and conditions of employment, termination of employment), or the non-employment field (e.g. education, access to premises and provision of goods, services and facilities).

具體查詢包括僱傭範疇(例如：有關招聘政策、僱用條款及條件、解僱的歧視)和非僱傭範疇(例如：教育、處所通道和貨品、服務和設施的提供)。

² EOC has implemented a new complaint management system from 1 April 2006 and introduced finer classification of enquiries. No breakdown available between employment related and non-employment related specific enquiries before April 2006.

平機會於 2006 年 4 月 1 日起實行新的投訴管理系統，對查詢作更細緻分類。於 2006 年 4 月以前，具體查詢並無分開僱傭範疇和非僱傭範疇的數字。

³ On average, about 12% of the specific enquiries would later turn into actual complaints. The rest of the complaints were lodged with the EOC directly.

平均而言，約有 12% 的具體查詢其後會變成真正的投訴個案。其他投訴個案都是直接向平機會提出投訴。

⁴ Complaints investigations are complaints that have a complainant(s) and lodged in writing. 投訴調查是指有投訴人作出書面投訴後而進行調查的個案。

⁵ Self-initiated investigations are investigations initiated by the EOC where a complainant/person wishes to remain anonymous or does not wish to make an actual complaint after reporting the case or reports of discrimination in the media which are followed up by the EOC.

主動調查是指由平機會自行提出進行的調查，因為投訴人/有關人士在舉報個案後希望保持匿名或不願作出真正的投訴；也有些個案是平機會跟進傳媒報道而進行調查。

⁶ Respondent's identity cannot be ascertained or respondent's whereabouts cannot be traced.

未能肯定答辯人的身份或未能追蹤到答辯人的行蹤。

⁷ Matter resolved in the course of investigation and complainant had no desire to pursue the complaint.

在調查期間解決的事宜，以及投訴人不想繼續追究。

⁸ Cases were discontinued following complaint investigation on grounds of no unlawful act (S 80(4)(a)), no desire to pursue complaint (S 80(4)(b)), lapsed over 12 months (S 80(4)(c)), should not be a representative complaint (S 80(4)(d)), being frivolous, vexatious, misconceived or lacking in substance (S 80(4)(e)).

經進行調查後而被終止的個案，原因包括：無違法行為(第 80(4)(a)條)，不想繼續追究(第 80(4)(b)條)，已超過 12 個月(第 80(4)(c)條)，不應是代表投訴(第 80(4)(d)條)，瑣屑無聊、無理取鬧、基於錯誤理解或缺乏實質(第 80(4)(e)條)。

⁹ Approximately 44% of unsuccessful conciliation subsequently applied for legal assistance with the EOC.

約 44% 不成功的個案中其後向平機會申請法律協助。

¹⁰ About 1/2 of the cases were withdrawn upon discovery of evidence, the rest were withdrawn due to other situations.

約半數個案是在法律行動中的搜証過程撤銷，其餘則因不同情況撤銷。

¹¹ 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。

Supplementary Information - List of Concluded DDO Court Cases
(20 September 1996 - 31 March 2011)

EO No.	Citation	Case Nature	Claim Nature	Plaintiff/Appellant	Defendant/Respondent	Decisions	Damages Awarded
EO 1 of 1997	[1999] 2 HKLRD 263	N	Disability discrimination by taxi driver	Ma Bik Yung	Ko Chuen	Won	\$20,000 (reduced to \$10,000 upon appeal)
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	Won	\$985,143.28
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	Won	\$775,742.48
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	Won	\$1,061,134.80
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	Won	N/A
EO 9 of 2004	[2004] 2 HKLRD 77	E	Disability discrimination – dismissal whilst on sick leave	Siu Kai Yuen	Maria College	Won	\$198,000
EO 8 of 2006	[2008] 2 HKLRD 56	E	Disability discrimination – dismissal	Ip Kai Sang	Federal Elite Limited	Won	\$94,544.53
DCEO 2/2007	[2008] 5 HKLRD 340	E	Disability discrimination – dismissal	Kwok Wing Sun	Law Yung Kai Trading as Wan Kou Metal & Plastic Factory	Won	\$98,500
DCEO 5/2009		N	Disability vilification	Tung Lai Lam	R1: Oriental Press Group Limited R2: The Suns News Publisher Limited	Lost	N/A