

**立法會**  
**Legislative Council**

LC Paper No. CB(2)1028/05-06  
(These minutes have been  
seen by the Administration)

Ref : CB2/PL/WS

**Panel on Welfare Services**

**Minutes of meeting**  
**held on Monday, 9 January 2006 at 10:45 am**  
**in Conference Room A of the Legislative Council Building**

**Members present** : Dr Hon Fernando CHEUNG Chiu-hung (Chairman)  
Hon CHAN Yuen-han, JP (Deputy Chairman)  
Hon James TIEN Pei-chun, GBS, JP  
Hon Albert HO Chun-yan  
Hon Bernard CHAN, JP  
Hon TAM Yiu-chung, GBS, JP  
Hon LI Fung-ying, BBS, JP  
Hon Albert CHAN Wai-yip  
Hon Alan LEONG Kah-kit, SC  
Hon LEUNG Kwok-hung

**Members absent** : Hon LEE Cheuk-yan  
Hon Mrs Sophie LEUNG LAU Yau-fun, SBS, JP  
Dr Hon YEUNG Sum  
Hon Frederick FUNG Kin-kee, JP

**Public Officers attending** : Item III  
Ms Linda LAI, JP  
Deputy Secretary for Health, Welfare and Food  
(Family and Women)

Mrs Mary MA  
Commissioner for Rehabilitation  
Health, Welfare and Food Bureau

Mr MO Kim-ming  
Assistant Director/New Buildings 1  
Buildings Department

Mr Alex CHOW  
Chief Building Surveyor/Kowloon  
Buildings Department

Mr Samson WONG  
Managing Director  
Samson WONG & Associates Property Consultancy Ltd.  
(Consultant for the Review)

**Deputations  
by invitation**

: Item III

Hong Kong Association of the Deaf

Mr Ken CHEUNG  
Director

Miss Agnes LEE  
Sign Interpreter

The Parents' Association of Pre-school Handicapped  
Children

Ms CHEUNG Kwok-chun  
Representative

Mrs WU YU Tung-mui  
Representative

Rehabilitation Alliance Hong Kong

Mr CHEUNG Kin-fai  
Chairperson

Ms LAM Fong-ting  
General Secretary

Joint Council for the Physically & Mentally Disabled/The  
Hong Kong Council of Social Service

Mr Philip YUEN  
Rehabilitation Chief Officer

The Association of Parents of the Severely Mentally  
Handicapped

Ms LEE Siu-king

Ms WONG Li-ly

Hong Kong Association for Parents of Persons with Physical  
Disabilities

Ms CHIU Yee-ling  
Chairman

Ms LING Ching-ha  
Executive Member

1<sup>st</sup> Step Association

Mr LEUNG Choy-yan  
Chairman

Mr SIU Chi-moon

Hong Kong Federation of Handicapped Youth

Mr CHAN Kam-yuen  
Chairperson, Rehabilitation Policy Sub-com

Hong Kong Blind Union

Mr Ivan CHOW  
Program Organizer

Mr Eugene HUI  
Executive Member

Retina Hong Kong

Mr K P TSANG  
President

Miss Violet LEE  
Information and Promotion Officer

The Salvation Army Carer Association

Mrs FONG CHEUNG Lee-nar  
Vice President

Ms CHENG Lai-ying  
Committee Member

The Against Elderly Abuse of Hong Kong

Ms Kennex YUE  
Chief Executive Director

**Clerk in attendance** : Ms Doris CHAN  
Chief Council Secretary (2) 4

**Staff in attendance** : Miss Mary SO  
Senior Council Secretary (2) 8

Miss Maggie CHIU  
Legislative Assistant (2) 4

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**I. Information paper(s) issued since the last meeting**

There was no information paper issued since the last meeting.

**II. Items for discussion at the next meeting**

(LC Paper Nos. CB(2)771/05-06(01) and (02))

2. Members agreed to discuss the following items at the next regular meeting to be held on 13 February 2006 at 10:45 am -

- (a) International Festival of Inclusive Arts; and
- (b) Addressing the needs of people with disabilities who are not CSSA recipients.

3. The Chairman said that at the meeting of the Panel on Health Services held prior to this meeting, it was agreed that a joint meeting should be held with this Panel and the Panel on Manpower to discuss with the Administration various issues relating to the operation of the Trust Fund for Severe Acute Respiratory Syndrome, including injecting money into the depleted Fund, raising the \$500,000 ceiling of the special ex-gratia payment for each eligible family or family member and other related matters. Members did not raise any query.

**III. Consultancy study for the review of the design manual : barrier free access 1997**

(LC Paper Nos. CB(2)771/05-06(03) and CB(2)812/05-06(01) to (04))

4. At the invitation of the Chairman, Assistant Director/New Buildings 1 Buildings Department (AD/NB1) introduced the Administration's paper (LC Paper No. CB(2)771/05-06(03)) which set out the background of the review of the Design Manual : Barrier Free Access 1997 (hereafter referred to as "DM97") and the obligatory and recommended design requirements proposed by the consultant after the review to enhance the current design requirements in the DM97. Deputy Secretary for Health, Welfare and Food (Family and Women) (DSHWF(F&W)) supplemented that after consulting members, there would be a six-month public consultation period commencing January 2006 on the draft new Design Manual. Taking into account views received in the consultation, the Design Manual would be finalised and necessary legislative amendments to the relevant building regulations would be introduced in the next legislative session.

*Views of deputations*

5. The Chairman then invited deputations to give their views on the draft new Design Manual, details of which were set out in their respective written submissions (LC Paper Nos. CB(2)812/05-06(01) to (04), CB(2)842/05-06(01) to (06), and CB(2)1903/03-04(01)). Two videos illustrating the difficulties

encountered by people with disabilities (PWDs) in gaining access to buildings and facilities for PWDs were shown by the Association of Parents of the Severely Mentally Handicapped and the Hong Kong Association for Parents of Persons with Physical Disabilities, and the Chairman respectively.

*Discussion*

6. Mr James TIEN expressed support for enhancing design requirements of buildings to provide barrier-free access to PWDs, but was of the view that the relevant building regulations to effect such should not have retrospective effect on private buildings constructed and underwent substantial alteration before 1997. Mr TIEN further said that property developers would not mind spending additional sum to enhance the designs of their buildings to provide access and facilities for PWDs, as the sum would only entail a small fraction of their costs. The only deterrent factor for doing so was that the provision of access and facilities for PWDs would take up valuable space which could otherwise be used to generate income/profits. In the light of this, Mr TIEN suggested excluding the areas set aside for providing barrier-free access and appropriate facilities for PWDs from the calculation of the plot ratio of the buildings concerned. Mr TIEN also suggested introducing new requirements in the draft new Design Manual on ensuring that property management companies would not allow the situation of toilets for PWDs in shopping malls to double up as store rooms. To facilitate discussion on the draft new Design Manual, Mr TIEN hoped that other stakeholders, such as property developers, architects and engineers, could be invited to give views on the matter in future.

7. Responding to the views expressed by deputations at the meeting, DSHWF(F&W) said that the Administration would carefully consider the feasibility of the suggested amendments to the draft new Design Manual with the consultant and take into account views received during the consultation period before finalising the Design Manual. DSHWF(F&W) further made the following points -

- (a) building owners were required under the law to provide access and facilities for PWDs, and inspections were conducted by Buildings Department (BD) inspectors to ensure such. In view of the vast number of private buildings in Hong Kong, it was not possible for BD inspectors to stamp out misuse of facilities for PWDs, such as turning toilets for PWDs into store rooms. The public could help in this regard by reporting to BD of any misuse of facilities for PWDs. It was noted that some building managers of public premises, such as shopping malls, required PWDs to collect keys from the information counter to use the toilets for PWDs, so as to avoid these toilets being

misused by people who were not disabled;

- (b) although the relevant building regulations requiring provision of access and facilities for PWDs did not cover Government buildings and public buildings, the Administration fully observed the requirements in the DM97 in the design and construction of new government buildings. The Administration had a programme and would also provide funding on a yearly basis to improve accessibility of existing government buildings for PWDs. The exact amount to be allocated would depend on the fiscal condition of the Government;
  - (c) the design requirements of providing proper access to and appropriate facilities in a building for PWDs were kept under continuous review by the Sub-committee on Access of Rehabilitation Advisory Committee to ensure the adequacy of these requirements;
  - (d) whether it was legally in order for the Design Manual to have retrospective effect on private buildings constructed or substantially altered before 1997 needed to be carefully examined, not to mention the viability of such a move, having regard to the fact that many private buildings were already sold off to individual owners by the developers;
  - (e) the Administration had no strong view about shortening the consultation period on the draft new Design Manual to, say, three months. It should however be pointed out that the shortening of the consultation period by two to three months would not significantly speed up the necessary legislative process as time was needed to first finalise the draft new Design Manual; and
  - (f) under the draft new Design Manual, ground floor entrance and lift were required to have a minimum illumination level of 120 lux and corridors, accessible paths and stairs 45 lux, which had far exceeded the prevailing minimum illumination level for the same areas in existing buildings which stood about 20 or so lux. In considering further raising the minimum illumination level in these areas, due regard needed to be given to the public's acceptability of the bright lighting and the increased electricity cost.
8. AD/NB1 also said that -
- (a) a number of private buildings were targetted by BD for inspections

each year to ensure their compliance of the obligatory design requirements set out in the DM97. The number of buildings covered by such inspections had increased from five in 1997 to 15 in 2005. In addition, BD would take enforcement actions, where resources permitted, against new contraventions of the obligatory design requirements in other existing private buildings in response to complaints;

- (b) obligatory design requirements must be complied with, unless building owners could prove that any of these requirements would impose unjustified hardship on them, whereas recommended design requirements were for the reference of building owners and professionals who intended to provide access and/or special facilities for the use by PWDs, the elderly and people with other forms of physical infirmities or limitations, such as pregnant women and families with young children, that were enhanced from the obligatory design requirements. The reason for not making the recommended design requirements obligatory was because there was a need to strike a right balance between meeting the special needs of PWDs, the elderly and people with other forms of physical infirmities or limitations, and the affordability of developers and building owners; and
- (c) in considering the proposal of relaxing the plot ratio of those buildings planning to provide access and/or special facilities to PWDs, due regard would need to be given to the impact of the increased size of the buildings concerned on the overall town planning of the district where they were located.

9. Mr Samson WONG, consultant for the review, supplemented that according to international standards, the minimum illumination level at places frequented by people should be 100 lux, whereas places less frequented by people should be around 40 to 50 lux.

10. Mr TAM Yiu-chung made the following points -

- (a) the Administration should also consult the views of the Elderly Commission to ensure that the needs of the elderly were met by the draft new Design Manual;
- (b) in determining the minimum illumination level of public areas, there was a need to strike a right balance between meeting the needs of PWDs and the elderly, and conserving energy;



- (c) in view of non-retrospective effect of the legislation for implementing the obligatory design requirements of the Design Manual, the Administration should develop a plan to help owners of pre-1997 private buildings to make their buildings more accessible and friendly to as broad a spectrum of the community as possible; and
- (d) the Administration should speed up its pace in making Government and public buildings complied with the design requirements stipulated in the DM97 or the to be updated Design Manual.

11. DSHWF(F&W) and AD/NB1 responded as follows -

- (a) although the DM97 or the to be updated Design Manual would not apply to Government and public buildings, Government authorities and departments, in the design and construction of new buildings, complied in full the requirements, and, indeed, at times exceeded the design requirements;
- (b) review would be made to see whether additional resources could be obtained to speed up the pace of upgrading the access facilities of existing Government and public buildings, subject of course to technical feasibility;
- (c) the proposed minimum illumination level of public indoor areas frequented and less frequented by people at 120 lux and 45 to 85 lux respectively by the consultant had already taken into account the needs of meeting the needs of PWDs and the elderly, and conserving energy; and
- (d) the draft new Design Manual had incorporated design requirements to meet the needs of the elderly, such as all corridors should be slip-resistant and resting places, such as fold-down seats on stair landings or in long corridors, should be provided, details of which were set out in Chapter six of the draft.

12. Mr LEUNG Kwok-hung said that the Administration should set a good example to the community by expeditiously coming up with a workplan to make all Government and public buildings comply with the requirements set out in the DM97 or the to be updated Design Manual. In his view, Secretary for Home Affairs should take up a co-ordinating role in this endeavour.

13. Miss CHAN Yuen-han said that with the rising expectations of the public, the Administration should no longer stop at requiring owners of private buildings built after 1996 to comply with the design requirements of the DM97. In her view, the Administration should formulate a plan, including providing incentives for providing barrier-free access and other appropriate facilities in the pre-1997 buildings for PWDs and other sectors of the population, including the elderly who at times required the same provisions as PWDs, where feasible. The Administration should also require building management of public places to ensure the accessibility of facilities for PWDs. For instance, instead of requiring PWDs to collect keys to toilets for disabled persons from the information counters, building management should station staff in the toilets for PWDs to avoid misuse. Miss CHAN also said that BD should carry out a site visit to all Government and public buildings to ensure that the illumination levels in various areas of the buildings proposed by the consultant were adequate.

14. Ms LI Fung-ying hoped that the Administration would accept the improvement measures put forward by the deputations to provide proper access to and appropriate facilities in a building for PWDs and other sectors of the population, including the elderly who at times required the same provisions as PWDs, as far as practicable. Ms LI further said that the obligatory design requirements set out in the DM97 were only the minimum standards which building owners must comply with. To fully implement the Government's policy to develop a barrier-free physical environment for PWDs to live independently and participate actively in the community, the Administration should make the recommended design requirements in the DM97 obligatory. Ms LI also echoed the views expressed by other members that the Administration should map out a plan to make all Government and public buildings barrier-free for PWDs, with priority accorded to hospitals, public clinics, transport stations and passenger terminals.

15. AD/NB1 responded that he would convey to the Architectural Services Department (ArchSD) members' request for expeditious upgrading of existing Government and public buildings to comply with the design requirements set out in the DM97 or the to be updated Design Manual. AD/NB1 further said that although the DM97 or the to be updated Design Manual did not cover private buildings constructed before 1997, all private buildings undergoing substantial alteration were required to comply with the requirements set out therein where feasible.

16. Mr Albert CHAN said that private buildings constructed before 1997 should not be exempted from complying with the design requirements set out in the DM97 or the to be updated Design Manual, unless there were justified reasons for not doing so, and there should be a grace period, say, three to five years, for

them to comply. Mr CHAN expressed dissatisfaction with the lack of barrier-free access for PWDs at MTR stations and on half of the public buses, and said that representatives from public transport companies should also be invited to attend future discussions on the draft new Design Manual. Mr CHAN further said that the illumination level of some public facilities, such as footbridges, flyovers and tunnels, were overly bright and should be examined by the Administration to strike a balance in meeting public need and conserving energy.

17. Mr Albert HO echoed members' view about the need for pre-1997 private buildings to also comply with the design requirements set out in the DM97 or the to be updated Design Manual where feasible. Mr HO suggested providing incentives to building owners for doing so, such as providing them with tax concession and matching fund. Mr HO also echoed members' view about the need for the Administration to take the lead in providing barrier-free access and appropriate facilities for PWDs, and hoped that actions would be taken to promote such by publicly-funded bodies.

Admin

18. DSHWF(F&W) reiterated that the Administration had an annual programme to make a certain number of Government and public buildings align with the requirements set out in the DM97, and undertook to provide details of the programme after the meeting for members' information. DSHWF(F&W) further said that in response to the Government's call for providing proper access to PWDs, public transport companies had incorporated such in their operation. For instance, all new buses purchased by bus companies now had ramp for PWDs to access. On requiring owners of pre-1997 private buildings to comply with the DM97 or the to be updated Design Manual, DSHWF(F&W) said that the Administration would need to carefully examine the viability of such a proposal before deciding on the way forward. DSHWF(F&W) also said that publicly-funded organisations were well aware of the need to provide barrier-free access and appropriate facilities for PWDs. Nevertheless, she would convey members' view on the importance of providing barrier-free access and appropriate facilities for PWDs to publicly-funded organisations to ensure that this was done.

19. In closing, members agreed to hold a joint meeting with the Panel on Planning, Lands and Works prior to the expiration of the consultation period of the draft new Design Manual to listen to the views of deputations, including property developers, architects, engineers, the Equal Opportunities Commission and public transport companies. Representatives from other policy bureaux/Government departments, such as the Home Affairs Bureau, Housing Department and ArchSD, should also attend. The Chairman suggested and members agreed to request the Administration to provide a paper setting out its responses to the views expressed by members and deputations expressed at this meeting, as well as the views received during the consultation, for the joint meeting. In response,

Action

Admin DSHWF(F&W) said that the Administration would be in a position to provide such in May/June 2006.

20. There being no other business, the meeting ended at 1:00 pm.

Council Business Division 2  
Legislative Council Secretariat  
8 February 2006