

LEGCO PANEL ON WELFARE SERVICES

Consultancy Study for the Review of the *Design Manual: Barrier Free Access 1997*

Purpose

With regard to the consultancy study for the review of the *Design Manual: Barrier Free Access 1997* (hereafter referred as “DM97”), this paper aims to:

- (i) set out the Administration’s response to the comments made by Members at the meeting on 9 January 2006; and
- (ii) report the progress of the public consultation on the review.

Background

2. At the meeting of LegCo Panel on Welfare Services on 9 January 2006, the Administration reported to Members the progress of the consultancy study for the review of the DM97 and briefed Members on the new design standards proposed by the consultant.

3. After discussion, Members asked the Administration to submit a paper in June 2006 setting out its response to the comments made by Members at the meeting and the views gathered during the public consultation on the review. As the public consultation will be completed by

the end of June 2006, this paper will focus on the response to the comments made by Members and report to Members the latest progress of the public consultation. The Administration will submit another paper to respond to the views gathered during the public consultation later.

Administration's Response

(I) Access and Facilities of Pre-1997 Private Buildings

4. Some Members proposed to make it mandatory for pre-1997 private buildings to provide access and facilities for people with disabilities (PWDs) in compliance with the standards of the DM97 at the meeting held in January.

5. The Administration's policy objective in the provision of building access and facilities for PWDs is to develop a barrier-free physical environment to facilitate the participation of various social and economic activities in the society by PWDs. As such, we have since August 1985 required all newly constructed non-domestic private buildings to follow the relevant statutory requirements under the Buildings Ordinance to provide building access and facilities for PWDs. The design standards for these access and facilities were laid down in detail in the DM84. In the light of advancement in building technology, the relevant statutory requirements under the Buildings Ordinance were amended in September 1997 to cover entrances/exits and common areas of private domestic buildings and domestic part of composite buildings, in addition to the imposition of higher design standards. The DM84 was revised to the DM97 accordingly.

6. Moreover, all pre-1985 non-domestic buildings under major alteration in the years between 1985 and 1997 were also required to provide access and facilities in compliance with the standards of the DM84, whereas

all buildings under major alteration after 1997 are required to provide access and facilities in compliance with the standards of the DM97.

7. In considering the proposal to make it mandatory for the about 34 000 pre-1997 buildings to provide access and facilities for PWDs in compliance with the standards of the DM97, we need to take into account a number of factors, including: (i) the needs of PWDs; (ii) technical feasibility; and (iii) the impacts on the general public.

8. The objectives of the Administration to require newly constructed buildings and buildings under major alteration to provide access and facilities for PWDs and to revise the related design standards in appropriate times, are to promote the spirit of a “Society for All” and to create a barrier free physical environment, with a view to achieving the ultimate aim of the Hong Kong rehabilitation policy in assisting PWDs to participate fully into society.

9. To achieve this objective by mandatory measures with retrospective effect will, however, present considerable difficulties. According to a sample survey completed by the Buildings Department recently, 18 500 (54%) amongst the 34 000 pre-1997 private buildings are technically not feasible to comply with the design standards of DM97. Besides the problem of technical feasibility, we also need to consider the possible impact brought about by such mandatory measure to the whole society, which include the financial burden for owners of buildings and tenants, and the nuisance and inconvenience for residents as caused by modification works. Therefore, after balancing the interests of the whole society, the Administration considers a barrier-free physical environment for PWDs should be created under the existing legislation and mechanism.

(II) Access and Facilities of Pre-1997 Government Buildings and Public Rental Housing

10. Some Members suggested the Administration to follow the standards of DM97 to speed up the work of improving the access and facilities of government buildings and public rental housing. The Administration should take full responsibility in this regard. We have all along been providing barrier-free access and facilities in government buildings that are assessed by the public.

11. At present, all government buildings and public rental housing built after 1997 should provide access and facilities in compliance with the standards of DM97. All government buildings and public rental housing carrying out alteration or renovation works after 1997 should also provide access and facilities in compliance with the standards of DM 97 where technically feasible. In addition, since the implementation of DM97, the Administration has initiated a number of measures to improve the access and facilities of government buildings and public rental housing in compliance with the standards of DM97 as far as possible.

12. The Administration and the Sub-committee on Access (the Sub-committee) of the Rehabilitation Advisory Committee have collaborated on a project to make improvement to the access and facilities of prioritized government buildings frequently visited by PWDs. Since the DM84 came into effect, the Sub-committee recommended a total of 33 government buildings for improvement of access and facilities in accordance with the standards of the DM84 under the project. The modification works of these government buildings were completed in 2000, and the total cost amounted to \$14 million. Since 2000, the project has aimed at meeting the standards of the DM97. In the years between 2000 and 2005, the Administration approved about \$50 million for modifying 76 government buildings

recommended by the Sub-committee under the project, and the modification works for 52 of them have been completed.

13. In addition to the improvement project of the Sub-committee, government departments also, on its own initiative, review the access and facilities of the government buildings under their purview and carry out improvement works to facilitate access by PWDs where technically feasible. Recent examples include:

- (a) Post Office's modification project for its 36 post offices in 2001-04;
- (b) Food and Environmental Hygiene Department's modification project for 9 markets cum cooked food centres in 2002-04;
- (c) Leisure and Cultural Services Department's modification project for 127 leisure and recreational facilities in 2002-04; and
- (d) Hong Kong Police Force's modification project for 34 police stations in 2000-2002.

The Administration will continue to provide funding for government departments to further improve the access and facilities of government buildings.

14. On public rental housing, the requirement for compliance with the standards of the DM97 has been incorporated into all building contract tenders of the Hong Kong Housing Authority since April 1998. In 2001, the Hong Kong Housing Authority also established a policy under which barrier-free access and facilities should be provided as far as practicable in public rental housing estates, and launched a five-year improvement programme to

provide drop kerbs, signage, tactile warning strips for drop kerbs and ramps as well as ramps and handrails for access where technically feasible in existing housing estates. Among the 160 housing estates earmarked for such purpose, 110 have already completed their improvement works and the works for the remaining 50 are expected to complete by the end of 2006.

15. To provide further barrier-free access and facilities for the visually impaired, the Hong Kong Housing Authority decided to carry out the following improvement works in public rental housing estates in October 2005:

- (i) provision of tactile guide paths within estate boundaries;
- (ii) installation of voice synthesizer, tactile marking and Braille letters on call buttons inside lift cars;
- (iii) installation of tactile marking, Braille letters to ground floor door phones and combination lock panels;
- (iv) installation of Braille plates on letter boxes upon request by individual persons;
- (v) enhancement of illumination level at specific locations upon request by individual persons;
- (vi) repainting of bollards, thresholds and periphery walls in colours contrasting with the surrounding environment; and
- (vii) providing cassette tapes recording the housing policies and information on estate activities;

The above improvement works are to be implemented in three phases in the coming three years. 47 public rental housing estates have been included in the first phase of the improvement programme.

16. Some Members expressed concern about the access and facilities in hospitals, public clinics, public transport interchanges and railway passenger terminals. In fact, the Administration, the Hospital Authority (HA) and the two railway companies have all along been proactively improving the access and facilities of these premises to facilitate access by PWDs.

17. At present, in the 43 hospitals and medical institutions under the purview of HA, except for the multi-function building of the Ruttonjee & Tang Shiu Kin Hospitals and some of the service buildings of the Kowloon Hospital which can not provide barrier-free access and facilities because of technical problems, all service buildings have already provided suitable access facilities for PWDs.

18. Regarding the 102 public clinics, except for the 21 which cannot provide the access facilities of a ramp at entrance or a lift because of technical problems, the remaining 81 have already been provided with suitable access and facilities for PWDs. The Administration will follow the standards of the DM97 as far as possible to further improve the access and facilities in 83 public clinics in the coming two years.

19. In the 108 major public transport interchanges (PTIs), there are 44 PTIs fully meeting the standards of DM97, while 14 PTIs not being able to comply with the standards due to technical problems. The Administration will complete the improvement works for the remaining 50 PTIs in the coming two years. Moreover, in the existing 84 passenger terminals of the Mass Transit Railway and the Kowloon Canton Railway, there is at least one accessible entrance/exit for PWDs at each of this passenger terminal.

Facilities like tactile guide paths, wide gates and Braille maps are also provided in these passenger terminals.

(III) Encouraging Property Developers and Owners to Provide Barrier-free Access and Facilities

20. A Member proposed that the area used for providing access and facilities for PWDs should be excluded from the calculation of plot ratio of the buildings concerned in order to minimise the impacts on the revenue and profits of property developers. Some Members were also of the view that the Administration should formulate an incentive plan to encourage property owners to improve access and facilities of their buildings constructed before 1997.

21. As mentioned above, provision of barrier-free access and facilities for PWDs in buildings constructed after 1997 is a statutory requirement, property developers and owners have the responsibility to provide barrier-free access and facilities at their own initiative. Moreover, according to the Disability Discrimination Ordinance (DDO) enacted in Hong Kong in August 1995, owners of pre-1997 buildings also have the responsibility to provide barrier-free building access and facilities for people in need, unless they can prove that to provide such access and facilities would impose unjustifiable hardship on them. Under the spirit of the DDO, property developers and owners have the civic responsibility to provide barrier-free building access and facilities for PWDs where technically feasible and under reasonable circumstances; and to collaborate in building a discrimination-free social environment with equal opportunities. In this connection, the Administration would step up publicity efforts to prompt property developers and owners to recognize their responsibility in this regard and to help people in need more aware of the relevant legal protection and measures for them.

(IV) Requirements on Illumination Levels in Common Areas of Buildings

22. Some Members pointed out that in determining the design standards of illumination levels in common areas of buildings in the new Design Manual, there was a need to strike a right balance between catering to the needs of PWDs and energy conservation.

23. Currently, the DM97 does not set out any obligatory design standards of illumination levels in common areas of buildings. In the past year during the review and public consultation, some organizations of visually impaired persons and the consultant of the review held different views on the proposed new obligatory design standards of illumination levels. The consultant proposes an illumination level of 120 lux for ground floor entrance lobby and lift of a building, 85 lux for lift lobby of upper floors, and 45 lux for corridor, accessible paths and stairs. The organizations for visually impaired persons consider the illumination level for all this public areas of a building should be at 120 lux or higher. In view of this, the Administration invited Members and representatives of PWDs groups to a specially arranged on-site demonstration of different levels of illumination on 11 May 2006 for them to experience the real situations under different illumination levels.

24. In determining the design standards of illumination levels in the new Design Manual, the Administration will take into account the views collected in this demonstration, the needs of the general public and energy conservation issue to set the appropriate design standards.

(V) The Needs of the Elderly

25. A Member requested the Administration to consult the Elderly Commission (EC) to ensure that the draft new Design Manual would cater to the needs of the elderly. At the meeting of the EC on 28 November 2005, the consultant commissioned for this review and representatives of BD briefed the EC members on the draft new Design Manual and solicited their views. Input from the EC would be considered in conjunction with those gathered during the public consultation. Upon the request of the EC, the revised version of the draft new Design Manual would be submitted to the EC for reference after the public consultation.

Progress of the Public Consultation for the Review

26. The public consultation on the review of the DM97 commenced in January 2006. The Administration advertised in newspapers, issued a press release and wrote to the 18 District Councils and about 100 PWDs groups in January 2006 to introduce to members of the public and stakeholders details of the public consultation, and to invite them to provide written submissions and to join the two open discussion forums held on 15 and 21 February 2006.

27. By the end of May 2006, the Administration received a total of 21 written submissions and 31 oral comments. The public consultation will be completed by the end of June 2006. The consultant will submit a report on the comments received during the public consultation to the Buildings Department and the Steering Committee of the review for making the necessary amendments to the draft new Design Manual. The Administration expects to complete the amendment work by the 3rd to 4th quarter of this year and then submit a paper to Members for discussion. The Administration will then proceed with the necessary legislative work.

Advice Sought

28. Members are invited to note the Administration's response to the comments made by Members at the meeting on 9 January 2006 and the latest progress of the public consultation on the review of the DM97.

Health, Welfare and Food Bureau

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