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Panel on Welfare Services

**Background brief prepared by the Legislative Council Secretariat
for the meeting on 12 March 2007**

Review of the Design Manual : Barrier Free Access 1997

Purpose

This paper summarises the deliberations of the Panel on Welfare Services on the review of the Design Manual: Barrier Free Access 1997 (DM97).

Background

2. Under section 84 of the Disability Discrimination Ordinance (Cap 487), newly constructed or substantially altered private buildings are required by the Building (Planning) Regulations and related legislation under the Buildings Ordinance (Cap 123) to provide access and facilities for people with disabilities (PWDs). The obligatory and recommended design requirements for provision of the access and facilities are set out in DM97. All newly constructed government buildings should comply with the design requirements stipulated in DM97.
3. In the 2001 Policy Address, the Government proposed the conduct of a review of DM97 with a view to enhancing the design requirements taking into account changes in building technology and expectation of the community. The design requirements would also be enhanced to ensure the health and safety of the elderly.
4. The Administration commissioned a consultancy study to review DM97, and issued the draft of the revised DM97 (draft revised DM) in January 2006 for a six-month public consultation. The draft revised DM will be finalised taking into account views received in the consultation, and necessary legislative amendments to the relevant building regulations will be introduced.

Deliberations of the Panel

Relevant meetings

5. The Panel on Welfare Services held two meetings on 9 January and 12 June 2006 to discuss the draft revised DM. The Panel held another meeting on 13 November 2006 to discuss the outcome of the six-month public consultation and the Administration's initial responses to the comments received. At these meetings, the Panel also received views from deputations on the difficulties encountered by PWDs in gaining access to buildings and facilities for PWDs.

Draft revised DM proposed by the consultant

Enhancement of the design requirements in DM97

6. At the Panel meeting on 9 January 2006, members were briefed on the following key areas of enhancement of the current design requirements in DM97 as put forward for public consultation -

- (a) introduction of new requirements on the provision of access to backstage facilities of auditoriums, tactile warning strips and Braille/tactile maps;
- (b) addition of detailed requirements on the number, size and signage of parking spaces for PWDs, and enhanced requirements on the provision of tactile guide path for different types of building;
- (c) requirement for surfaces of floor and ramp to be slip-resistant and with luminous contrast between wall and floor;
- (d) revision of door design in terms of width and closing devices;
- (e) improvement of directional signage to guide PWDs in way-finding;
- (f) specification of minimum illumination levels for corridor, stairs and lift lobby for visually impaired persons;
- (g) incorporation of more detailed requirements for audible and visual fire alarm and emergency call bell in disabled toilets, and the provision of assistive listening systems for the hearing impaired; and

- (h) incorporation of recommended design guidelines for elderly-friendly built environment.

Issues raised by members

7. Some members held the view that the obligatory design requirements set out in DM97 were the minimum standards which building owners must comply with. To implement fully 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 DM97 obligatory.

8. Some members considered that the Administration should not exempt owners of pre-1997 private buildings from complying with the design requirements set out in DM97 and the draft revised DM. They also urged the Administration to speed up the work of improving the access and facilities of government buildings and public rental housing in accordance with the standards of DM97 pending the completion of the review of DM97.

9. Noting that under the draft revised DM, ground floor entrances and lifts were required to have a minimum illumination level of 120 lux and 45 lux for corridors, accessible paths and stairs, some members cautioned that the Administration should strike a balance in meeting the needs of PWDs and conserving energy given that the prevailing minimum illumination level in these areas was about 20 lux.

10. To provide incentive for property developers to comply with the design requirements, a member suggested that the areas set aside for providing barrier-free access and appropriate facilities for PWDs should be excluded from the calculation of plot ratio of the buildings concerned.

11. In response to members, the Administration advised that obligatory design requirements must be complied with, unless building owners could prove that any of these requirements would impose unjustified hardship on them. On the other hand, the 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. The recommended design requirements had not been made obligatory 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.

12. In considering whether it should be made mandatory for about 34 000 pre-1997 buildings to provide access and facilities for PWDs in compliance with the standards of DM97, the Administration advised that it had to take into account a number of factors, including the needs of PWDs; technical feasibility; and the impact on the general public. All buildings which had undergone major alteration after 1997 were required to provide access and facilities in compliance with the standards of DM97.

Outcome of the public consultation

Further revised DM

13. Upon completion of the public consultation, the Administration briefed the Panel at the meeting on 13 November 2006 its initial responses to the major views and comments received. The Administration proposed to further amend the draft revised DM in the light of the major comments. The major features are summarised below -

- (a) exemptions and application would be specified in the manual for clarity and consistent application;
- (b) large shopping complexes would be provided with tactile guide paths, and the requirement for tactile guide paths leading to escalators would be deleted. The requirement in the draft revised DM for the provision of tactile guide paths to cinema would be retained;
- (c) luminous contrast would be introduced as a recommended design requirement, and guidelines on the measurement of luminous contrast would be provided. Consideration would be given to specifying the mandatory standard in the next review;
- (d) the introduction of a standard on slip resistance would be deferred;
- (e) to strike a balance between the needs of visually impaired persons and energy conservation, no further revision would be made to the illumination level proposed in the draft revised DM (i.e. 45 lux for corridors, accessible paths and staircases, 85 lux for lift lobbies of upper floors and 120 lux for ground floor entrance lobbies and lifts);
- (f) the installation of sensor-operated lighting systems in the common areas of buildings with a view to conserving energy was technically feasible, but the proposal would be further studied; and

- (g) the provision of unisex toilets for PWDs would be made mandatory in the manual. The internal clear space would be enlarged to a size of 1 500mm x 1 500mm if the toilet was not fitted with an automatic door.

14. The Administration advised that when a consensus on the further revised DM was reached amongst the various parties, it would proceed to amend the related regulatory mechanism and introduce the legislative proposal into the Legislative Council to implement the finalised DM.

Members' views

15. Deputations giving views to the Panel highlighted the difficulties encountered by PWDs in gaining access to buildings and facilities for PWDs. They strongly requested further improvements to the further revised DM, including raising the minimum illumination level in common areas, provision of tactile guide paths in buildings, enlarging the internal clear space inside toilets for PWDs, installation of proper signage leading to entrances accessible to PWDs and automatic doors at major entrances, taking enforcement actions against improper use of facilities for PWDs, and allowing PWDs to use passenger lifts.

16. Members expressed support for the deputations' views. They expressed dissatisfaction at the slow progress of the consultancy study which had taken over five years and the Administration's reluctance to accede to the requests of the Panel and deputations for further improvements to the manual.

Motion passed by the Panel

17. At the meeting on 13 November 2006, Dr Hon Fernando CHEUNG moved the following motion urging the Administration to include further improvement measures in the finalised DM and expedite its implementation -

"That, with regard to the review of DM97, this Panel requests the Government to include the following improvement measures:

- (a) the provision of tactile guide paths should not be limited to 'large shopping complexes'; instead, they should be extended to all shopping complexes and such paths should also lead to escalators where audible devices are compulsorily installed;
- (b) the minimum illumination level for 'corridors, accessible paths and staircases' of the buildings should be 85 lux;

- (c) the 'entrance which is commonly used by the public' of the building concerned must satisfy the requirement that it is suitable for use by PWDs; the lift available for PWDs must be a passenger lift, not a goods lift;
- (d) the clear space in toilets for PWDs should be up to 1 500mm x 1 500mm and there should at least be one unisex toilet for PWDs on each floor of the building concerned; and
- (e) automatic doors should be installed at the main entrance(s) and exit(s) of the building concerned."

Seven members present at the meeting voted for the motion and Hon Tommy CHEUNG abstained from voting. No member voted against the motion.

Latest developments

18. The Administration will provide responses to the above motion and members' concern at the Panel meeting on 12 March 2007.

Relevant papers

19. Members are invited to access the LegCo website at <http://www.legco.gov.hk> to view the Administration's papers for the meetings of the Panel on Welfare Services on 9 January, 12 June and 13 November 2006 and the relevant minutes of meetings.

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