

**立法會**  
*Legislative Council*

LC Paper No. CB(2)2065/11-12

Ref : CB2/PS/2/10

**Panel on Welfare Services**

**Report of the Subcommittee on Improving Barrier Free Access  
and Facilities for Persons with Disabilities**

**Purpose**

This paper reports on the deliberations of the Subcommittee on Improving Barrier Free Access and Facilities for Persons with Disabilities ("the Subcommittee").

**Background**

2. Under section 84 of the Disability Discrimination Ordinance (Cap. 487) ("DDO"), newly constructed or substantially altered private buildings are subject to the requirements under the Building (Planning) Regulations (Cap. 123 sub. Leg. F) and the relevant provisions in the Buildings Ordinance (Cap. 123) ("BO") to provide access and facilities for persons with disabilities. However, the provisions of BO do not apply to buildings belonging to the Government or buildings upon any land that is vested in the Hong Kong Housing Authority ("HA"). The obligatory and recommended design requirements for provision of the access and facilities are set out in the latest version of the Design Manual - Barrier Free Access ("DM") issued by the Building Authority in 2007 and came into effect in 2008. All buildings which have undergone major alterations after 1997 and newly constructed buildings, including Government buildings, should comply with the design requirements stipulated in DM 2008.

3. In 2007, the Equal Opportunities Commission ("EOC") commenced a Formal Investigation to examine the progress made on the realisation of a barrier-free environment for persons with disabilities, in particular on accessibility to publicly accessible premises. For the purpose of the

investigation, EOC conducted access audits on 60 publicly accessible premises owned or managed by the Hong Kong Housing Society ("HKHS"), The Link Management Limited ("the Link"), HA and eight Government departments, namely Civil Engineering and Development Department ("CEDD"), Department of Health, Food and Environmental Hygiene Department, Government Property Agency, Home Affairs Department, Hongkong Post, Leisure and Culture Services Department and Transport Department ("TD").

4. EOC released its Formal Investigation Report: Accessibility in Publicly Accessible Premises ("EOC Report") on 7 June 2010, and made 23 recommendations on the improvement of accessibility, connectivity and interface with surrounding environment and user-friendly management practices for publicly accessible premises.

5. At the request of the Panel, the House Committee approved on 7 January 2011 the allocation of a debate slot under Rule 14A(h) of the House Rules to the Panel Chairman to move the motion on the EOC Report at the Council meeting of 26 January 2011, and the motion was carried.

6. The Panel held two meetings on 13 December 2010 and 22 January 2011 to discuss and receive views from 11 deputations on the EOC Report respectively. Members generally expressed concern on whether and when the Administration would duly follow up on the retrofitting programme for upgrading the barrier-free facilities in existing Government premises and facilities and considered it high time to examine the accessibility issue with a view to developing an overarching policy on building an inclusive society for persons with physical limitations.

### **The Subcommittee**

7. At the Panel meeting on 10 January 2011, members agreed that a Subcommittee should be appointed to monitor the Government's follow-up actions on the 23 recommendations in the EOC Report and the Government's response to and follow-up action on the Report and to study issues relating to the provision of barrier-free access and facilities for persons with disabilities. The approval of the House Committee was obtained on 8 April 2011 for the Subcommittee to activate and commence work in June 2011. The terms of reference and membership of the Subcommittee are set out in **Appendices I and II** respectively.

8. Under the chairmanship of Hon WONG Sing-chi, the Subcommittee held six meetings with the Administration and EOC, and received views from District Councils relating to the accessibility issues in individual districts at one of these meetings. The Subcommittee also met with representatives of the Mass Transit Railway Corporation ("MTRC"), The Link and the Hospital Authority at two meetings to discuss various issues relating to the accessibility of the premises and facilities under their respective management.

### **Deliberations of the Subcommittee**

#### Implementation of the consolidated retrofitting programme in response to EOC Report

9. The Subcommittee notes that in response to the EOC Report, the Administration has worked out a consolidated retrofitting programme for the premises and facilities concerned, having regard to operational requirements, technical feasibility and the time required for the retrofitting works, as follows –

- (a) Class A items: 3 306 Government premises/facilities (85.1%) will be retrofitted before 30 June 2012;
- (b) Class B items: 386 Government premises/facilities (9.9%) will have retrofitting works completed by 30 June 2014 having regard to such factors as patronage, extent of improvement works involved, plan for major renovations, operational requirements, technical constraints, etc.; and
- (c) Class C items: 193 Government premises/facilities (5%) will not be retrofitted because of imminent plan of decommissioning or disposal.

10. Members generally welcome the Government's positive response to and the proposed follow-up actions on the recommendations in the EOC Report. The Subcommittee has monitored closely the implementation progress and examined in depth the quarterly progress reports of the consolidated retrofitting programme.

11. On members' concerns about the implementation of the retrofitting programme, the Administration has advised that it has convened a Task Force

led by the Labour and Welfare Bureau ("LWB") and comprising representatives of stakeholders within the Government to co-ordinate the Government's response to, and follow up action on, the EOC Report as well as to monitor the overall implementation progress. The Task Force will submit regular reports on the implementation progress of the retrofitting programme to the Chief Secretary for Administration, and inform the District Councils concerned of the works progress. Detailed information on the quarterly progress reports is also available at LWB's website.

12. Members note from the Administration that upon availability of additional funding starting from 2011-2012 and the appointment of additional works contractors in October 2011, the works departments including the Architectural Services Department ("ArchSD"), the Highways Department ("HyD") and CEDD, in collaboration with the managing departments of the premises and facilities have stepped up their efforts in taking forward the retrofitting programme. At its meeting on 15 May 2012, the Subcommittee was advised that the major retrofitting programme covered about 3 500 Government premises and facilities, and 83 Government premises and facilities had been grouped under other improvement programmes. In gist, as at 31 March 2012, it had completed site survey and feasibility studies at all Class A items (3 094 premises/facilities), while works at 2 340 premises/facilities (76%) had commenced, and works at about 29% of them had been completed. The Administration also made an initial assessment of the progress of works as at end-April 2012. According to the Administration, works at 97% of them had already commenced and 73% of them had been completed. It anticipates that in general Class A items will be completed by end-June 2012 as scheduled. For Class B items including relatively complex items which require construction of accessible lifting platforms or lifts, accessible unisex toilets and works requiring Heritage Impact Assessment prior to commencement, the Administration anticipates that these items will be completed by end-June 2014 or earlier. As at 31 March 2012, the Administration completed site survey at 225 premises/facilities (54%) and completed both site survey and feasibility studies at 162 premises/facilities (39%). A full list of the venues covered by the retrofitting programme under Class A and Class B, together with a breakdown of all the premises and facilities to be retrofitted by type and the respective management departments as well as the respective progress as at end-March 2012 is available at the website of the Legislative Council [http://www.legco.gov.hk/yr11-12/english/panels/ws/ws\\_bf/papers/ws\\_bf0515cb2-1955-1/ws\\_bf0515cb2-1955-1-e.pdf](http://www.legco.gov.hk/yr11-12/english/panels/ws/ws_bf/papers/ws_bf0515cb2-1955-1/ws_bf0515cb2-1955-1-e.pdf).

13. EOC welcomes the positive and active response of the Administration

to the recommendations in the EOC Report, in particular its commitment in implementing the retrofitting programme. EOC has assured members that it will be working closely with the Task Force and stakeholders from various sectors to follow up on the accessibility problems identified in the Formal Investigation. The Chairperson of EOC has highlighted that the EOC Report is not a comprehensive review of accessibility of all the publicly accessible premises in the territory. Following the release of the EOC Report, EOC has set up a working group to monitor the progress made on the realisation of a barrier-free environment for persons with disabilities and to collaborate with the Government and the private sector to develop an overarching policy on building an inclusive society that adopted the principle of universal design. EOC will continue to work closely with the Government to enhance the provision of barrier-free environment for persons with disabilities and provide assistance and training to Government officials in this respect.

14. Members consider the progress of the consolidated retrofitting programme satisfactorily, and have called on the Administration to ensure the timely completion of the retrofitting works as scheduled. The Administration has assured members that it will take forward the retrofitting programme and other initiatives and will continue to work closely with EOC, the Rehabilitation Advisory Committee, the rehabilitation sector and the community in building towards a barrier-free and inclusive society. It will keep in view the need for improving the accessibility of other Government premises and facilities not covered by the retrofitting programme. Improvement works can be funded under ArchSD's regular maintenance programmes, where necessary.

Provision of barrier-free access at properties under the management of the Housing Department ("HD")

15. Members note the conduct by EOC of access audits on 60 publicly accessible premises owned or managed by HKHS, The Link, HA and eight Government departments only. Certain lift retrofitting works of HD and the provision of barrier-free access and facilities by public transport operators are not covered by the EOC Report. Notwithstanding this, HD has devised a retrofitting programme to improve the accessibility of 237 premises and facilities under its management (which cover public housing estates, commercial centres, carparks and factory buildings) in addition to the consolidated retrofitting programme.

16. According to HD, most of the improvement works will be

implemented by 30 June 2012. To strike a balance between implementing the improvement works and minimising service interruption and nuisances to tenants, HD will schedule some of the improvement works for completion by 30 June 2014. To tie in with HD's lift modernisation programme, a small proportion of the improvement works will be completed by 2016-2017. In gist, site works for all premises/facilities have commenced, and works at 203 of them have been completed for 50% or more, while works at 53 of them have been fully completed. HD also made an initial assessment of the progress of works as at end-April 2012. Approximately 85% of the works items have been completed. HD anticipates that, in general, the majority of the improvement works in all the 237 premises/facilities will be completed by end-June 2012 as scheduled.

17. Members appreciate the concerted efforts made by HD in enhancing the accessibility of public housing estates. However, some members note with concern that the HD's retrofitting programme does not cover the Tenant Purchase Scheme ("TPS") estates, and consider that HD should assist Incorporated Owners ("IOs") of TPS estates to provide and enhance the barrier-free access facilities therein. The Administration has explained that while the building management of TPS estates is taken care of by the respective IOs, HD will provide technical advice to IOs in regard to the provision of barrier-free access facilities. HD is one of the owners of TPS estates which is bound by the decisions of IOs. Hence, HD will support the decision of improving accessible facilities in TPS estates if consent of the IO concerned is secured to proceed with the upgrading works. HD staff will attend the management committee meetings of IOs and strive to convince the management committees to obtain the consent of the IOs in improving accessible facilities.

18. In the view of EOC, as HA is the major owner of TPS estates, it should assume an active role in promoting the provision of barrier-free access facilities at TPS estates from the public interest perspective. Members share the view of EOC and urge both HA and HD being the major owners, to support all proposals in connection with improving barrier-free access facilities in TPS estates, as a matter of policy.

#### Provision of barrier-free access at public pedestrian footbridges and subways

19. The Subcommittee notes that HyD will accelerate its retrofitting programme for the provision of barrier-free access (lift or ramp) at public footbridges and subways without such access or alternative at-grade crossings, where technically feasible.

20. According to the Administration, as at early May 2012, out of a total of about 300 such facilities, HyD had completed investigation of 175 facilities, of which 111 were found feasible for lift/ramp retrofitting works. The retrofitting works for 25 had been completed. As regards the remaining facilities, HyD has already commenced planning and investigation for retrofitting works. Retrofitting works for all remaining feasible items will be taken forward as soon as possible with the majority of works scheduled for completion by around 2016-2017 and the rest (e.g. those involving public objections or are technically complex) by around 2017-2018.

#### Provision of hillside escalator links and elevator systems

21. Members have examined the progress of lift installation programme on hillsides adjacent to public rental housing estates to enhance the barrier-free access for the disabled and the elderly. Members note that the Administration will take forward the top 10 ranked proposals for hillside escalator links and elevator systems for feasibility studies in order to determine the technical feasibility and the estimated cost for each proposal. The lower ranked proposals will be taken forward only after the feasibility studies of the top 10 proposals are on track for implementation. Members have queried the criteria for prioritising the proposals and sought information on the anticipated completion dates of the feasibility studies for proposals ranked top 10.

22. According to the Administration, hillside escalator links and elevator systems under TD are provided for the convenience of the public for travelling to and from uphill areas. It is a facility for better pedestrian flow and does not fall into the same category as barrier-free facilities. As a matter of relative priority, the Administration is taking forward as top priority the retrofitting of barrier-free facilities at existing footbridges and subways. Regarding the proposals for the provision of hillside escalator links and elevator systems, the Administration has developed a set of comprehensive, objective, fair and transparent evaluation criteria for assessing the merits of proposals from different districts and their priorities for conducting feasibility studies. It has assessed 20 previously received proposals for hillside escalator links and elevator systems under the assessment system to determine the merits of the proposals and the relative priorities for conducting feasibility studies. Based on manpower and resource considerations, the Administration has started to take forward in stages technical feasibility studies for the top 10 proposals under the assessment system. The feasibility studies for five have been completed and the

remaining five are expected for completion in 2012. The District Councils concerned have been/will be informed of the results upon completion of the feasibility studies.

23. Members remain concerned about the actual commencement date of the top 10 proposals, and a lack of concrete timetable for taking forward the proposals with lower priorities. Members consider that the crux of the problem is inadequate resources allocated for the projects. At its meeting on 11 November 2011, the Subcommittee passed a motion urging the Administration to set aside funding in the 2012-2013 Budget for completion of the remaining proposals not yet arranged for feasibility studies.

24. In its response to the Subcommittee, the Administration has advised that after the completion of the technical feasibility studies, HyD will proceed to the preparatory works in the pre-construction stage. The works include site investigation, preliminary design, consultation with relevant District Councils, gazetting under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) and handling the objections, land resumption, application for funding, detailed design and tendering, etc. All preparatory works at the pre-construction stage involve complicated procedures, and the actual timetable depends on the extent and complexity of the proposals. In determining the construction programme, the Administration will take into account the result of the feasibility studies, priority ranking of the proposals and the respective construction time.

#### Accessibility of properties of the Link

25. Another area of concern of the Subcommittee is the accessibility of premises and facilities under the management of the Link, and the connectivity of the barrier-free facilities between the Link's properties and public housing estates.

26. According to the Link, it made an announcement in January 2011 to upgrade all of its retail outlets with barrier-free access facilities under the Best Practicable Principle, and at a budget of no less than \$200 million, to comply with the standards set out in the DM 2008 and other related requirements. In addition, the Link has appointed an international barrier-free access expert as its Access Advisor who will review the barrier-free access facilities of each of its properties and advise on the best practicable solutions in accordance with international standards. The whole upgrading programme will be rolled out in three phases with 90% of the upgrading works to be scheduled for completion by 2014 and the remaining

works to be completed by 2016. In gist, all of the retail outlets under the Link's portfolio including 151 shopping centres and around 330 car parks will be equipped with barrier-free access facilities which will be in compliance with DM2008. The Link has assured members that it will update regularly and inform the public on its latest plan and progress of the barrier-free works via press release and website postings. A new list of retail properties undergoing barrier-free access upgrading works will be announced on a quarterly basis and at the same time the Link will also report the works that have been carried out in the past three months.

27. Members note from the Link and HD that they have maintained close communication to ensure all the interfaces of barrier-free access facilities equipped by the two parties are connected well and fit for use by the local communities. A joint working group was set up in early 2011 to review progress on connectivity of such facilities and resolve controversial issues. The Link will furnish HD with a list of premises to be improved in the coming months such that the works programme can be better coordinated.

#### Accessibility of MTR stations

28. According to MTRC, it has spent \$600 million since 1992 on barrier-free improvement projects, and will invest a further \$200 million for the next five years to further enhance barrier-free facilities. These include retrofitting facilities such as lifts, stair lifts, wheelchair aids, ramps and wide ticket gates to facilitate passengers in need to access MTR stations. Members agree with the views of EOC that MTRC is obliged to provide barrier-free facilities under DDO. While MTRC has been providing barrier-free access facilities such as stair lifts in the MTR stations, members generally take the view that such facilities cannot fully meet the needs of passengers with physical limitations. In addition, not all entrances are fully accessible, and some accessible entrances are not built on locations that serve the highest passenger flow. Members strongly appeal to MTRC to expedite the installation of passenger lifts in all stations, especially those stations along the Tsuen Wan Line where the proportion of elderly commuters appears to be higher.

29. MTRC has advised that all MTR stations are equipped with at least one designated barrier-free access. MTRC aims, as far as practicable, at providing one external lift at every station to connect station concourse area with the street level. The installation of passenger lifts programme in 10 MTR stations have been completed, and the rest will be completed by 2015. However, some stations constructed in earlier years have limited scope for

retrofitting of facilities. Notably, it is technically difficult for carrying out the installation works in the Fortress Hill and Tin Hau stations. The installation of passenger lifts in the Admiralty and Diamond Hill stations will be carried out during the extension projects.

30. MTRC has pointed out that stair lifts are designed to allow wheelchair users to operate on their own by using common operating keys. Moreover, persons with disabilities can seek assistance from station staff if they need to use the wheelchair aid or require other assistance. Station staff will endeavour to provide prompt assistance. Some members, however, express concern about the long waiting time for using the stair lifts and wheelchair aids in MTR stations. In the view of MTRC, there may be circumstances when station staff are engaged in other activities, hence requiring passengers to wait for a short while. Therefore, it will appeal to passengers to call the concerned station prior to their arrival so as to facilitate arrangement with a view to minimising the waiting time for passengers. MTRC will recruit some 500 additional station staff in 2012 to enhance station service.

31. MTRC has further advised that it maintains regular dialogue with disabled groups by holding meetings with their representatives twice a year. The Administration has also pointed out that issues relating to the provision of barrier-free access and facilities in premises and facilities under the management of public transport operators including MTRC have been discussed from time to time by the Working Group on Access to Public Transport by People with Disabilities under TD.

32. While recognising the geographical and space constraints on the scope of retrofitting works in some existing MTR stations, members take a strong view that the needs of persons with disabilities should be fully taken into consideration in the design stage of new railway projects, such as the Shatin to Central Link, to ensure the provision of appropriate facilities in stations and on trains to make it easier for them to use MTR. Specifically, members urge MTRC to explore the feasibility of installing wide escalators that can accommodate wheelchairs to facilitate the wheelchair users to travel freely within MTR stations.

#### Accessibility of public hospitals

33. According to the Hospital Authority, it has since 2010 initiated a review to study and explore the feasibility of improving the environment and facilities in its hospitals and clinics, with a view to achieving the requirements of DM 2008. The review has been proceeded in three phases.

The first phase of the review covering all general outpatient clinics ("GOPCs"). The barrier-free access improvement works for 18 clinics had been completed so far, and similar improvement works for another 14 clinics will be carried out in 2012-2013. The Hospital Authority aims to complete works to all remaining GOPCs by end 2014. The second phase covering all acute hospitals with accident and emergency services has commenced since end 2011. The implementation works are expected to be completed by the fourth quarter of 2014. The third phase will cover the remaining hospitals under the Hospital Authority's management, and the professional consultancy services in respect of compliance checking for these hospitals will be tendered in the second quarter of 2012 for completion in early 2013.

34. Members have expressed particular concern about the accessibility of the Peng Chau GOPC. Members note that Peng Chau GOPC is located on a small hill, and the elderly and the sick find it inconvenient to go up the slope or walk up the steps to reach the clinic. Members have enquired about the feasibility of installation of an elevator or relocation of the clinic.

35. The Hospital Authority has explained that while it is responsible for the operation of Peng Chau GOPC, the access is located beyond its management boundary. It has endeavoured to make operational arrangement addressing the needs of patients. For example, ambulance service will be arranged in advance for chronically ill patients who require assistance to reach the clinic for their follow-up appointments, and assistance will be provided to patients calling ambulance service, if necessary, to ensure their needs are properly addressed.

36. According to the Administration, the Islands District Office has been coordinating the accessibility issues surrounding the Peng Chau GOPC. Various options including the relocation of the Peng Chau GOPC and the installation of an elevator for access to Peng Chau GOPC have been discussed. While the proposal for relocating the clinic is found not feasible for the time being, TD has included the proposal of installing an elevator for access to the Peng Chau GOPC in the list of provision of hillside escalator links and elevator systems. A Working Group has been set up under the Islands District Council to follow up on the accessibility issue of the Peng Chau GOPC and consider possible solutions. Members have requested the Administration to provide periodic progress reports on the matter to the Panel after the conclusion of the Subcommittee's work.

### Accessibility of public sector schools

37. Members note with concern that 140 public sector schools do not have lifts, and this has caused inconvenience to teachers, students and parents with physical limitations. Members have enquired about the policy and plan in place to improve the accessibility of these schools.

38. The Administration has advised that 140 public sector schools do not have lifts because of technical or other reasons, including six schools housed in single storey premises which do not require lifts. Members note from the Administration that it will complete installation of lifts for nine schools under the annual major repairs programme from 2013 to 2015. In addition, another six schools will have lifts upon completion of works on their redevelopment, reprovisioning or extension of school premises from 2012 to 2017. The remaining 119 schools may apply for improvement works for provision of lifts under the annual major repairs programme, subject to availability of funding and assessment on technical feasibility. Presently, some 30 schools have applied for the provision of lifts. As a standing practice, around five schools are provided with funding for the installation of lifts in each financial year.

39. Members generally consider that the progress of lift installation in schools is too slow, given that only around five schools will be retrofitted with lifts in each financial year. Noting that some of these schools are Government schools, members have called on the Administration to expedite the progress and take the initiative in drawing up an improvement works programme for the schools concerned.

40. The Administration has assured members that it fully recognises the need for enhancing accessibility of schools. While individual schools may not apply for provision of lifts because of various reasons, the Administration will strive to expedite the works progress for those schools which have already applied for lift provision. It will continue to explore the feasibility upon receipt of such applications and process the requests in accordance with established criteria, such as technical feasibility, urgency of their need for lifts, availability of alternative measures to solve the inaccessibility problem and availability of funding.

### Appointment of Access Co-ordinators and Access Officers

41. Members note that with effect from April 2011, an Access

Co-ordinator, who is pitched at the Directorate Grade Officer level, has been designated within individual bureau or department to co-ordinate accessibility issues within the bureau and department and serve as the departmental focal point of a government network to enhance the accessibility of Government premises and facilities. Moreover, individual bureaux and departments have also appointed an Access Officer for each venue under their management to serve as the first point of contact on and handle the day-to-day management of accessibility issues at the venue. According to the Administration, suitable training and workshops on accessibility issues will be arranged for the responsible officers. In the view of the Administration, the appointment of Access Co-ordinators and Access Officers will help enhance the awareness of accessibility in the civil service and the general public through the service delivery by departments having frequent interface with the public.

#### Exemption of buildings from BO

42. Members note with concern that pre-1997 buildings are not obliged to comply with DM 2008 to incorporate barrier-free facilities. In the view of EOC, relying on DDO alone has proven to be an ineffective approach because civil proceedings are lengthy and tedious, and the application of DDO is complaint-based which means that only one individual problem can be addressed at a time. Members have enquired about the Administration's stance on the EOC's recommendation of introducing legislation to require pre-1997 buildings to incorporate barrier-free facilities and to comply with DM 2008.

43. The Administration has stressed that it has been the established policy for the Government and public organisations to comply with the prevailing design requirements under the Building (Planning) Regulations and DM issued by BD as well as make reference to the Best Practice Section of DM 2008 as far as practicable in the design and construction of new Government buildings and refurbishment of existing Government buildings. BO has no retrospective effect and owners of pre-1997 private buildings are exempt from complying with the latest design requirements set out in DM unless renovation and addition works to the premises are made. In considering whether it should be made mandatory for about 30 000 to 40 000 pre-1997 buildings to provide access and facilities for persons with disabilities in compliance with the latest standards of DM 2008, the Administration has to take into account a number of factors, including the needs of persons with disabilities, technical feasibility, and the impact on the general public. Nevertheless, all buildings which have undergone major alterations are

required to provide access and facilities in compliance with the prevailing standards of disabilities.

44. Members note from the Administration that owners of private buildings can apply for financial assistance for provision, improvement and maintenance of barrier-free access in common areas under various schemes and a new Integrated Building Maintenance Assistance Scheme launched by HKHS and Urban Renewal Authority on building maintenance. Two other schemes, namely the Comprehensive Building Safety Improvement Loan Scheme and the Building Maintenance Grant Scheme for Elderly Owner, are funded by the Government for similar purposes. Improvement works in respect of barrier-free access facilities at common areas of target buildings are also included in the scope of works of the Operation Building Bright, under which each household will receive a maximum grant of \$16,000 or 80% of the maintenance cost, whichever is the lower.

45. In the view of members, the Administration and public organisations should take the leading role in adopting a higher standard for barrier-free access provision in Government premises and facilities, instead of meeting the minimum requirements under DM 2008. Members have also called on the Administration to draw up a concrete timetable for reviewing the requirements under DM 2008 to meet the latest standards and consider introducing legislation to amend BO with a view to requiring pre-1997 buildings to incorporate barrier-free facilities and to comply with the latest standards under DM.

#### Universal design concept and principles

46. In the view of EOC, the Administration should adopt a coordinated and cross-sectoral approach to implement the universal design concept to ensure the design of the built environment, products and services to be usable by all peoples, regardless of their ages and disabilities, without the need for expensive adaptation or specialised design in later years. In the light of an ageing population and increasing number of persons with disabilities, members have expressed support for the incorporation of universal design concept and principles into government policies, and have called on the Administration to play an active role in promoting universal design in different policy areas.

47. The Administration has advised that ArchSD published the updated "Universal accessibility – Best practice and Guideline" in 2011, which aims to promote universal design in public buildings and open space projects

managed by ArchSD focusing on planning, building and maintaining an accessible environment. In addition, HD has since 2002 been adopting the universal design concept in newly built public rental housing estates. Retrofitting works have been and will be carried out in public rental housing estates built before 2002 in accordance with the universal design concept at the time of renovation works as far as practicable. In taking forward the universal design concept, the departments concerned have gauged the views of key stakeholders, including members of the public and persons with disabilities, during the development stage of the projects.

48. While appreciating the Administration's efforts in adopting the universal accessibility concept in new government projects managed by ArchSD and newly built public rental housing estates, members note with concern that the provision of barrier-free access facilities under new development projects, such as the new cruise terminal project at Kai Tak and new railway projects, comply with the standards under DM2008 only, instead of adopting the universal design principles. Members have strongly appealed to the Administration to fully implement the concept of universal design in the development of new government projects as well as to promote and enhance public awareness of the importance of accessibility to the physical environment.

49. The Administration has reaffirmed members that its established policy objective is to provide a barrier-free environment for persons with disabilities with a view to enabling them to have access to premises and make use of the facilities on an equal opportunity with others, thereby facilitating them to live independently and integrate into the society.

## **Recommendations**

50. The Subcommittee recommends that the Administration should –
- (a) continue its efforts in identifying and tackling shortfalls in the provision of accessible facilities for persons with disabilities in both Government and non-Government premises;
  - (b) adopt a higher standard for barrier-free access provision in new government projects, instead of meeting the minimum requirements under DM 2008;

- (c) incorporate the principles of universal design in the formulation and implementation of policies as well as in the development of new government projects, with a view to building a barrier-free community;
- (d) consider introducing legislation to require pre-1997 buildings to incorporate barrier-free facilities and to comply with DM 2008;
- (e) engage key stakeholders, including planners, designers, members of the public and persons with disabilities in the early stage of formulation of policies and development of government projects to achieve an inclusive community;
- (f) promote and enhance public awareness of the importance of accessibility in premises and instil a positive attitude towards enhancement of accessibility to the physical environment, including private premises;
- (g) complete expeditiously the top 10 proposals under the assessment system for the provision of hillside escalator links and elevator systems, and commence immediately the feasibility studies on the remaining proposals with lower priorities;
- (h) given that HA and HD are the major owners of TPS estates, support the proposals of OIs concerned in relation to improving barrier-free facilities in TPS estates; and
- (i) report to the Panel on the progress of the consolidated retrofitting programme and the accessibility of Peng Chau GOPC after the conclusion of the Subcommittee's work.

51. The Subcommittee also recommends that the Panel should, in the next LegCo term, monitor and follow up on the implementation progress of the Government's consolidated retrofitting programme as well as the Government's responses to the recommendations of the Subcommittee.

52. In view of the wide public concern about the provision of barrier-free access for persons with disabilities and the scope of the retrofitting programme involved, the Subcommittee further recommends that the support of the Panel be sought for applying under Rule 14A(h) of the House Rules to the House Committee for the priority allocation of a debate slot to the Chairman of the Subcommittee for moving a motion to take note of this

report at a Council meeting to provide an opportunity for Members to express views on the subject and for the Administration to respond.

**Advice sought**

53. Members are invited to note the work of the Subcommittee and endorse its recommendations.

Council Business Division 2  
Legislative Council Secretariat  
24 May 2012

**Panel on Welfare Services**

**Subcommittee on Improving Barrier Free Access  
and Facilities for Persons with Disabilities**

Terms of reference

To monitor the Government's follow-up action on the 23 recommendations in the Equal Opportunities Commission's Formal Investigation Report on Accessibility in Publicly Accessible Premises, as well as to study issues relating to the provision of a barrier free environment and facilities for persons with disabilities, and make recommendations when necessary.

**Panel on Welfare Services**

**Subcommittee on Improving Barrier Free Access  
and Facilities for Persons with Disabilities**

**Membership List**

<b>Chairman</b>	Hon WONG Sing-chi
<b>Members</b>	Hon LEUNG Yiu-chung
	Hon TAM Yiu-chung, GBS, JP
	Hon Ronny TONG Ka-wah, SC
	Hon CHEUNG Kwok-che
	Hon Alan LEONG Kah-kit, SC
	Hon LEUNG Kwok-hung
	(Total : 7 Members)
<b>Clerk</b>	Miss Betty MA
<b>Legal adviser</b>	Mr YICK Wing-kin
<b>Date</b>	11 November 2011