

# INFORMATION NOTE

## Housing Standards of Domestic Buildings in Hong Kong

### 1. Background

1.1 On 5 July 1999, the Legislative Council Panel on Housing discussed the issue of living space and living density standards of private dwellings. The Panel considered that the experience of the United Kingdom (UK), where there were enforceable standards, as reported in the research report entitled *Housing Standards of Private Dwellings*, RP10/98-99, not entirely applicable to Hong Kong because of differences in the living environment and population density between the UK and Hong Kong.<sup>1</sup> The Panel requested the Research and Library Services Division to make a further study on the laws and regulations in Hong Kong which govern housing standards of local domestic buildings.

### 2. Methodology

2.1 In this study, a local domestic building refers to a building constructed in Hong Kong for habitation. In conducting this study, we have reviewed relevant literature and laws and regulations. We have also visited and interviewed the Institute of Architects and the Institute of Surveyors. In addition, we have consulted the Centre of Urban Planning & Environmental Management of the University of Hong Kong, Buildings Department (BD), Environmental Protection Department (EPD), Housing Department (HD), Fire Services Department (FSD) and Electrical and Mechanical Services Department (EMSD). Furthermore, we have also contacted private developers to obtain relevant information.

### 3. Summary of Findings

3.1 There are many requirements and guidelines which govern the housing standards of domestic buildings in Hong Kong. These standards contain detailed design requirements which are legally enforceable. However, most of them apply to a domestic building as a whole and not to individual flats or units in the domestic building.

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<sup>1</sup> It should be noted that there are no standards for living space and living density in private dwellings in Hong Kong. However, such standards are applied to public rental housing. The current living space and living density standards in public rental housing were approved by the Housing Authority (HA) in September 1991. Tenants are given a choice of two allocation standards with two correspondingly different Median Rent-Income Ratio (MRIR) limits. Hence, a tenant may choose between the allocation standard of 5.5m<sup>2</sup> per person measured in terms of Internal Floor Area (IFA) with rent set at the MRIR limit of 15% or the allocation standard of 7m<sup>2</sup> per person IFA with MRIR limit at 18.5%. IFA is the area of a housing unit measured from the initial face of the walls, and includes kitchen, toilet and balcony.

3.2 The consensus view as gathered in our interviews and literature review is that aspect of major housing standards in Hong Kong can be identified as follows -

- Basic Facilities Required to be Provided in Domestic Buildings
  - Kitchens
  - Latrines
  - Watercloset Fitments
  - Lavatory Basins
  - Baths or Showers
- Height of Storeys
- Natural Lighting and Ventilation
- Fire Safety Standards
- Environmental Requirements
  - Air
  - Noise
- Barrier Free Design Requirements

3.3 We also notice that the BD is currently conducting a review on the standards of natural lighting and ventilation. Both the Government and the relevant trades consider that the current statutory requirements, which were developed mainly in the 1950's, are becoming archaic and disjointed with today's style of living and building technology. A study was therefore commissioned in this respect in August 1999 and is expected to be completed by August 2000. In addition, BD will tender for a separate review on fire safety design of buildings in November 1999. The scope of this review will include the examination of the regulations and codes of practice on fire safety design of buildings, based on the circumstances of the fire disasters in Garley Building (November 1996) and in Mei Foo Sun Chuen (April 1997). The results of these two studies will be used by the Government in considering how current laws and regulations should be amended (more details in paragraphs 7.3 to 7.5 below).

#### **4. Basic Facilities Required to be Provided in Domestic Buildings**

4.1 In Hong Kong, basic facilities such as kitchens, latrines, watercloset fitments, lavatory basins, and baths or showers are required to be provided in domestic buildings. They are specified in the Buildings Ordinance (Cap. 123) together with its subsidiary legislation, namely Building (Planning) Regulations, and Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.

4.2 We note that the Government specifies the detailed design requirements of kitchens and latrines but there is no regulation on minimum floor areas.

## Kitchens

4.3 Every domestic building, and unless exempted by the Building Authority<sup>2</sup> any part of a domestic building which is intended to be separately let for dwelling purposes, shall be provided with kitchen accommodation. [Source: regulation 45(1) of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

4.4 The internal surface of every kitchen to a height of at least 1.2m from floor level shall be faced with tiles, or rendered in cement mortar, not less than 12.5mm in thickness, or other non-absorbent material. [Source: regulation 45(2) of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

4.5 In addition, every kitchen shall be provided with a (i) properly constructed fireplace or cooking slab unless the cooking is to be done by gas, oil or electricity; and (ii) sink and fittings for the supply of water. [Source: regulation 45(3) of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

## Latrines

4.6 Every latrine, except a latrine fitted with a chemical closet fitment, shall be provided a self-closing door to the full height of the opening. The floor of every latrine shall be not less than 150mm above the level of the ground outside the latrine and shall be constructed of non-absorbent material and finished with a smooth surface. [Source: regulations 80 and 83 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 subsidiary legislation)]

4.7 The internal surface of every latrine to a height of at least 1.2m from the level of the floor of the latrine shall be (i) faced with tiles; or (ii) rendered in cement mortar, not less than 12.5mm thick, or other non-absorbent material. [Source: regulation 84 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 subsidiary legislation)]

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<sup>2</sup> This refers to the Director of Buildings.

### Watercloset Fitments

4.8 In every domestic building, the number of watercloset fitments provided should not be less than the number specified in Table 1. [Source: regulation 4(1a) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 subsidiary legislation)]

**Table 1 - Required Number of Watercloset Fitments**

<b>Number of Persons Residing or Likely to Reside in the Domestic Building</b>	<b>Number of Watercloset Fitments</b>
1 - 8 inclusive	1
More than 8	2 and 1 additional watercloset fitment for every 15 such persons, or part thereof, over 20.

### Lavatory Basins and Baths or Showers

4.9 The number of lavatory basins and baths or showers provided in the domestic building shall not be less than the number specified in Table 2 below. [Source: regulation 4(1d) of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 subsidiary legislation)]

**Table 2 - Required Number of Lavatory Basins, and Baths or Showers**

<b>Number of Persons Residing or Likely to Reside in the Domestic Building</b>	<b>Number of Lavatory Basins</b>	<b>Number of Baths or Showers</b>
1 - 8 inclusive	1	1
More than 8	2 and 1 additional lavatory basin for every 15 such persons, or part thereof, over 20.	2 and 1 additional bath or shower for every 15 such persons, or part thereof, over 20.

4.10 The architects and private developers approached have commented that these standards are only minimum requirements. In practice, there should not be any difficulty in meeting the statutory requirements both in private and public housing projects.

4.11 BD adopts a general guide of 9 m<sup>2</sup> usable floor area<sup>3</sup> per person in assessing the likely number of persons and population density within a domestic building. This basis of calculation is used to determine the required number of watercloset fitments, lavatory basins, and baths or showers to be provided in domestic buildings. This guide is also used to assess the provision of means of escape in case of fire.

## **5. Height of Storeys**

5.1 The law requires that every habitable room shall have a height of at least 2.5m measured from floor to ceiling. [Source: regulation 24(1) of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

## **6. Natural Lighting and Ventilation**

6.1 There are natural lighting and ventilation standards for domestic buildings in Hong Kong. Every habitable room or a kitchen shall be provided with natural lighting and ventilation by means of one or more windows which shall be so constructed that (i) the aggregate superficial area of glass in the window or windows is not less than one-tenth of floor area of the room and (ii) the windows can, to an extent at least equal in the aggregate to one-sixteenth of floor area of the room, be opened in such manner that the top of the opening of each window is at least 2m above the floor. [Source: regulation 30 of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)] This means that for cubicle apartments, as long as the partitions do not extend fully from floor to ceiling, they are unlikely to contravene the natural lighting and ventilation standards.

6.2 In addition, every latrine shall be provided with an opening for natural lighting and ventilation. Every such opening shall (i) be not less in area than 0.2m<sup>2</sup>; (ii) be situated as near the ceiling of the latrine as practicable; (iii) communicate directly with the open air; and (iv) be covered with a metal or other approved mesh flyscreen. [Source: regulation 82 of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123 subsidiary legislation)]

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<sup>3</sup> Usable floor area means the aggregate of the areas of the floor or floors in a storey or a building excluding, unless otherwise specified, any staircases, public circulation space, lift landings, lavatories, waterclosets, kitchens in self-contained flats, and any space occupied by machinery for any lift, air-conditioning system or similar service provided for the building.

## Review of Natural Lighting and Ventilation Requirements

6.3 The requirements for the provisions of natural lighting and ventilation are to ensure adequate lighting for normal daily activities and fresh air supply for human consumption. These prescriptive requirements were developed mainly in the 1950's when building developments were predominantly low-rise and relied principally on natural lighting and ventilation. Government officials and trade sources commented that these requirements may have become archaic and disjointed with today's style of living, built form, environmental science or technology, and may unnecessarily constrain the freedom of architectural design.

6.4 Against this background, BD commissioned a consultancy study in August 1999 for a comprehensive review of the standards of lighting and ventilation for all types of buildings and in all uses. The objectives of the study are to (i) identify any shortcomings of the current regulations and standards; (ii) conduct a comparative study of international and other relevant national requirements on lighting and ventilation for buildings; (iii) identify special local factors that should be taken into account in stipulating lighting and ventilation requirements of buildings in Hong Kong; (iv) consider the integration of lighting and ventilation requirements with building form, to enhance and encourage energy efficiency and reduced external environmental impact; and (v) propose new standards and the appropriate means of control. The consultancy study will be completed by August 2000.

## **7. Fire Safety Standards**

7.1 In Hong Kong, fire safety standards are mainly specified in the Buildings Ordinance (Cap. 123), Building (Planning) Regulations (Cap. 123 subsidiary legislation), Fire Services Ordinance (Cap. 95), Electricity Ordinance (Cap. 406), and Dangerous Goods Ordinance (Cap. 295). The requirements include the application for fire certificates, the provision of fire-fighting equipment, staircase and fire escape, and the installation and maintenance of fire equipment, electrical installation and wiring, and the storage of inflammable goods.

7.2 We note that fire safety standards apply to the whole building and the common areas but does not apply to individual flats. Hence, fire safety standards are building standards rather than housing standards. They are detailed in Appendix I. The Bedspace Apartments Code of Practice sets out technical details for guidance only. The requirements listed in the Code of Practice are the same as those required by the laws and regulations listed in paragraph 7.1 above.

## Review of Fire Safety Standards

7.3 BD will tender in November 1999 a consultancy study to conduct a comprehensive review of the fire safety design of buildings, including a review of the relevant regulations and codes of practice, against the background of Garley Building (November 1996) and Mei Foo Sun Chuen (April 1997) fire disasters. The study will cover the objectives of fire safety, the recommended performance requirements that need to be achieved in fire safety design and the prescriptive design solutions which are deemed to satisfy the performance requirements.

7.4 The consultancy study will consider whether it is necessary to set any fire safety standards governing individual flats. This might have an impact on the cubicle apartments and bedspace apartments. The study will also review the provision of means of escape for the aged and persons with a disability in case of fire.

7.5 The study will produce a new set of codes of practice on the fire safety design of buildings. It would deal with any inadequacy in the existing codes of practice and fire safety problems and provide technical guidelines on the application of fire engineering approach in fire safety design. The study will cover all types of buildings and building works, including existing and new buildings, and buildings under construction, renovation, alteration and addition works. The report is targeted to be completed by April 2001.

## **8. Environmental Requirements**

8.1 Air and noise are the two most important environmental requirements which influence housing development. These requirements are specified in the Hong Kong Planning Standards and Guidelines (HKPSG). The HKPSG is a Government manual of criteria for determining the scale, location and site requirements of various land uses and facilities. The manual is applied in planning studies, preparation and revision of town plans and development control.

8.2 It is important to note that the standards and guidelines in the HKPSG are not statutory. The HKPSG's effectiveness depends on "the proper understanding, flexible application and cooperation within the Government and similarly its application by developers through proper guidance from the Government."<sup>4</sup> Where appropriate, planning standards and guidelines can be included in the lease conditions or stipulated as a condition of planning permission granted by the Town Planning Board. In this way, the HKPSG, which is prepared as a tool for the planners, has become an inseparable part of the planning mechanism in Hong Kong.

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<sup>4</sup> Hong Kong Special Administrative Region Government, *Hong Kong Planning Standards & Guidelines*, November 1996, page 6.

8.3 The Environmental Protection Department (EPD), which is the authority responsible for environmental protection matters, environmental planning and environmental impact assessment in Hong Kong, issues environmental guidelines and practice notes to related professionals on the planning of major land uses, including residential developments.

8.4 In this study, we focus on the noise arising from the on-going noise emitters (i.e. aircraft, road traffic and rail traffic). We note that Chapter 9 of the HKSPG provides general principle and different means to plan and design domestic buildings to avoid noise problems. In addition, the noise emitters are responsible for providing different means to avoid excess noise affecting residents in domestic buildings.

8.5 At the same time, the Noise Control Ordinance (Cap. 400) is the main means to control noise from construction sites, domestic premises and public places, and intruder alarm systems from affecting residents in domestic buildings.

### Air

8.6 The two guidelines governing air are: (i) to avoid siting high-rise residential developments close to low-rise chimneys or industrial buildings as it would cause serious air pollution through direct impingement by the chimney plume onto the taller buildings;<sup>5</sup> and (ii) ensure that adequate buffer distance is available between residential and industrial uses.<sup>6</sup> [Source: paragraphs 3.3.2 and 3.3.3 of the HKPSG]

### Noise

8.7 Noise limitations are required to be included in building plans, which form part of the planning mechanism in Hong Kong.

8.8 The maximum permissible noise levels for domestic buildings are presented in Table 3 below. For aircraft noise affecting residential premises, these levels are Noise Exposure Forecast (NEF)<sup>7</sup> 25 contour for Chek Lap Kok Airport, 70 dB(A) for road traffic noise, and 65 dB(A) for rail traffic noise. [Source: Table 4.1 of the HKPSG]

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<sup>5</sup> For major industrial areas such as Kwun Tong, Tsuen Wan and Kwai Chung, the required separation distance may be over 200m.

<sup>6</sup> A buffer distance of at least 100m between buildings and the industrial sites is normally required.

<sup>7</sup> The units express a combination of the level of noise generated by aircraft movements, and the frequency and timing of such movements over a period of time. The higher the NEF values, the more serious will be the noise impact.



**Table 3 - Maximum Permissible Noise Levels for Domestic Buildings**

Noise Source \ Noise Standards	Chek Lap Kok Airport (Noise Exposure Forecast: NEF)	Road Traffic Noise dB(A)	Rail Traffic Noise dB(A)
Domestic Buildings	25	70	65

Notes:

1. The above standards apply to uses which rely on opened windows for ventilation.
2. The above standards should be viewed as the maximum permissible noise levels at the external facade.
3. The dB(A) is a commonly used noise unit. The higher the dB(A) values, the more serious will be the noise impact.

8.9 It is important to note that any person who between the hours of 11 p.m. and 7 a.m., or at any time on a general holiday in any domestic premises makes or causes to be made any noise which is a source of annoyance to any person commits an offence. Any person who commits such an offence shall be liable to a fine of HK\$10,000. [Source: section 4 of the Noise Control Ordinance (Cap. 400)]

8.10 Any person who at any time in any domestic premises (i) plays or operates any musical or other instrument; (ii) uses any device or instrument for magnifying sound; (iii) plays any game or engages in any pastime; (iv) carries on a trade or business, (v) operates, or causes or permits to be operated, any air-conditioning or ventilating system or part thereof, or (vi) keeps any animal or bird that makes any noise, the noise of which is a source of annoyance to any person commits an offence. Any person who commits such an offence shall be liable to a fine of HK\$10,000. [Source: section 5 of the Noise Control Ordinance (Cap. 400)]

#### *Aircraft*

8.11 The guideline is to avoid locating noise sensitive uses in areas within the NEF 25 contour of the Chek Lap Kok Airport. [Source: paragraph 4.2.1 of the HKPSG]

#### *Road Traffic and Rail Traffic*

8.12 The environmental guideline is to avoid siting residential development close to routes and roads with heavy traffic and railways in order that the standard noise levels contained in Table 3 are not exceeded (i.e. 70 dB(A) for road traffic noise and 65 dB(A) for rail traffic noise). [Source: paragraph 4.2.5 of the HKPSG]

8.13 The severity of road traffic noise impact is affected by many factors. These include: (i) road alignment, i.e. providing distance separation between the noise receiver and the vehicles; (ii) traffic composition and volume, i.e. using traffic planning and management to control vehicle movements and types of vehicles at different times of day; (iii) line-of-sight, i.e. using noise-tolerant buildings to reduce the angle of view of receiver on road traffic; and (iv) shieldings, i.e. using barriers, road enclosures and road decking and the like. The EPD has remarked that the largest reduction of road traffic noise in typical Hong Kong situations would most likely be obtained by using noise tolerant structures such as screens, rather than by means of separating the noise receivers from roads.

8.14 Community reaction to rail noise depends largely on three factors: the maximum passby noise level, the frequency of movement and the time of the noise events. These factors should be considered in planning residential developments and new rail lines.

## **9. Barrier Free Design Requirements**

9.1 There are no obligatory design requirements for individual domestic units or flats unless they are specified for occupation by persons with a disability. These requirements regulate doors, toilet and watercloset cubicles, baths and showers, signs, and emergency call bell in disabled toilets.<sup>8</sup> Design requirements that regulate access to buildings form part of building standards. They are detailed in Appendix II.

9.2 On the other hand, barrier free design is an indispensable component of an adaptable housing unit. The concept of adaptable housing which has been established for over 15 years in the United States merits consideration. An adaptable housing unit is an accessible dwelling unit with adaptable features that eliminate the special appearance and/or meet the needs of the individual user by adding or adjusting elements. An adaptable housing unit includes all of the accessibility features required by the American National Standards (such as wider doors, clear floor space, and an accessible route) and allows a choice of certain adjustable features or fixed accessible features.

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<sup>8</sup> BD, *Barrier Free Access*, 1997.

9.3 Mr Joseph KWAN, the Honorary Secretary of the Hong Kong Institute of Architects, emphasized that barrier free design requirements are particularly important in Hong Kong as there is a growing population of old people. Disabled and old people can adjust adaptable units without renovation or structural change because the basic accessible features like door widths and ground level entrance are already part of the unit. Non-structural adaptations may include changing counter and sink heights, and attaching grab bars. These changes can be made in a short time period and at minimal costs.

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## FIRE SAFETY STANDARDS

### A. Fire Certificates

A.1 The Building Authority may refuse to give his approval of any plans of building works where the plans are not endorsed with a certificate from the Director of Fire Services. The fire certificate lists the minimum fire service installation and equipment necessary for a building (having regard to the purpose of the building) in accordance with a Code of Practice published from time to time by the Director of Fire Services. [Source: section 16 of the Buildings Ordinance (Cap. 123)]

### B. Fire Resisting Construction

B.1 Every building shall be designed and constructed so as to (i) inhibit the spread of fire within the building and to nearby buildings by dividing the building into compartments; (ii) provide adequate resistance to the spread of fire and smoke by the separation of different uses in a building by compartment walls and floors and by the separation of the building from any adjoining building or site; (iii) maintain the stability of the building in case of fire; and (iv) provide adequate resistance to the spread of fire over the roof of one building to another building. [Source: regulation 90 of the Building (Construction) Regulations (Cap. 123 subsidiary legislation)]

B.2 BD published a report entitled *Code of Practice for Fire Resisting Construction* in January 1996 to provide technical guidance on compliance with the requirements laid down in Building (Construction) Regulations. This Code would be reviewed from time to time.

### C. Evacuation Facilities

#### Staircases and Means of Escape

C.1 Every building which exceeds one storey in height shall be provided with at least one staircase to give access to upper floors. The main staircase of every building which exceeds four storeys in height shall be continued to the roof of the building unless a secondary staircase of fire escape is provided. [Source: regulation 39 of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

C.2 Every building which exceeds six storeys in height or in which the level of the floor of the uppermost storey is more than 17m above the ground shall be provided with a second staircase as means of escape. [Source: regulation 41 of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

C.3 BD issued the *Code of Practice for Means of Access for Firefighting and Rescue* in May 1995 and the *Code of Practice for the Provision of Means of Escape in Case of Fire* in June 1996 to provide guidance on compliance with the requirements. These Codes of Practice would also be reviewed regularly.

#### Access Staircases for Firemen

C.4 Every building that exceeds one storey in height shall be provided with an adequate number<sup>9</sup> of access staircases to allow firemen safe and unobstructed access to all floors of the building in the event of a fire.<sup>10</sup> [Source: regulation 41A of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

#### Fireman's Lifts

C.5 Every building exceeding two storeys in height shall be provided with at least such number of fireman's lifts designed and installed to be used by firemen in the event of fire. This requirement is to ensure no part of the floors that the fireman's lifts serve are more than 60m from the lift. However, this regulation does not apply to a domestic building not exceeding a height of 30m. [Source: regulation 41B of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

### **D. Installation and Maintenance of Fire Service Equipment**

D.1 All fire service installations or equipment shall be installed by a registered contractor as defined by the Fire Service (Installation Contractors) Regulations (Cap. 95 subsidiary legislation) of the appropriate class and a certificate (FS 251) issued under the Fire Service (Installation and Equipment) Regulations (Cap. 95 subsidiary legislation) shall be submitted to the Authority. [Sources: Fire Service (Installation Contractors) Regulations (Cap. 95 subsidiary legislation) and Fire Service (Installations and Equipment) Regulations (Cap. 95 subsidiary legislation)]

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<sup>9</sup> In determining the adequate number of access staircases, the Building Authority considers the use of the building and the size of each floor.

<sup>10</sup> This regulation does not apply to a building not exceeding three main storeys in height that is used solely for domestic purposes and constituting a single household unit.

D.2 All portable fire fighting equipment shall be kept in efficient working order at all times and inspected by a registered contractor as defined by the Fire Service (Installation Contractors) Regulation (Cap. 95 subsidiary legislation) at least one every 12 months and a certificate (FS 251) issued under the Fire Service (Installation and Equipment) Regulations (Cap. 95 subsidiary legislation) shall be submitted to the Authority. [Source: regulation 8 of the Fire Service (Installations and Equipment) Regulations (Cap. 95 subsidiary legislation)]

**E. Installation and Maintenance of Electrical Installation and Wiring**

E.1 All electrical installation and wiring shall be installed and maintained by registered electrical contractors and workers. [Source: sections 14 and 15 of the Electricity Ordinance (Cap. 406)]

E.2 An owner of a fixed electrical installation located in any domestic premises shall have it inspected, tested and certified at least once every 5 years. [Source: regulation 20(3) of the Electricity (Wiring) Regulations (Cap. 406 subsidiary legislation)]

**F. Storage of Inflammable Goods**

F.1 No storage of inflammable goods exceeding the exempted quantity will be permitted, i.e. 20 litres of kerosene per person; and 130 litres aggregated nominal water capacity of liquefied petroleum gas (LPG) placed in any premises. [Sources: regulation 99 of the Dangerous Goods (General) Regulations (Cap. 295 subsidiary legislation) and regulation 3 of the Gas Safety (Gas Supply) Regulations (Cap. 51 subsidiary legislation)]

### BARRIER FREE DESIGN REQUIREMENTS

A.1 The design manual entitled *Barrier Free Access* published by BD<sup>11</sup> in 1997 aims to set out design requirements for providing proper access to and appropriate facilities in a building for persons with a disability and other sectors of the population, including the elderly and pregnant women.<sup>12</sup> The obligatory design requirements discussed in the manual include access, ramps, dropped kerbs, lifts and escalators, steps and staircases, handrails, corridors and lobbies.

A.2 The law requires that where a building is one to which persons with a disability may have access, that building shall be designed to the satisfaction of the Building Authority in such manner as will facilitate the access to that building and its facilities by persons with a disability.<sup>13</sup> [Source: regulation 72 of the Building (Planning) Regulations (Cap. 123 subsidiary legislation)]

A.3 It is important to note that the Disability Discrimination Ordinance (Cap. 487) enacted in August 1995 prohibits discrimination against persons with a disability by failing to provide means of access to any premises that the public or a section of the public is entitled allowed to enter or use, or by refusing to provide appropriate facilities. This applies to domestic buildings approved since 1995.<sup>14</sup> However, for buildings approved before 1995, there is no discrimination in relation to the provision of access to premises if the premises are so designed or constructed as to be inaccessible to persons with a disability and any alteration to the premises to provide such access would impose unjustifiable hardship on the person who would have to provide it.<sup>15</sup>

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<sup>11</sup> BD publishes Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Contractors, Design Manuals, and Codes of Practice on different topics to provide technical guidance on compliance with the building requirements.

<sup>12</sup> BD changed the title of the series from *Access for the Disabled* to *Barrier Free Access* in 1997.

<sup>13</sup> The provisions of this regulation shall not apply to buildings of 13m or less in height above ground level which are used for occupation by a single family.

<sup>14</sup> There is no ready statistics on the number of buildings approved and built since 1995.

<sup>15</sup> A person who believes he or she has been discriminated against in relation to access to premises or the provision of facilities may lodge a complaint with the Equal Opportunities Commission or may institute legal proceedings in the court.

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