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To: The Honorable Emily Lau Wai-hing, JP,
Chairperson,

LC Paper No. CB(2)2194/07-08(02)

The Sub-committee on Building (Planning) (Amendment) Regulation 2008

5 June 2008

Dear Ms. Lau,

**Submission by Retina Hong Kong on the
Building (Planning) (Amendment) Regulation 2008**

The Administration recently submitted the captioned Amendment Regulation to your Sub-committee for vetting following the public consultation on the review of the "Design Manual: Barrier Free Access 1997" (DM97) conducted in 2006. We are deeply regretted that the Administration, during the Consultancy Review and in preparing the proposed Amendment Regulation, failed to take into account the needs of the visually impaired in various accessible facilities. We therefore take this opportunity to reiterate the design standards acceptable to us as such facility users, and hope that your Sub-committee can sincerely consider our views so as to create a genuinely accessible physical environment for us.

(1) Provision of Tactile Guide Path Leading to Escalators with Directional Audio Device for Shopping Complexes

We are pleased to note that under the new standards, tactile guide path will be provided to link between the entrance, enquiry counter and lift lobby within a shopping complex. However, guide path leading to the escalators will not be provided and directional audio device will not be installed in these escalators. We consider such arrangements unacceptable because the Government cannot provide any statistical evidence to prove that people with visual impairment have a higher accident rate in using escalators when compared to the general public. The argument made by the Administration that visually impaired are exposed to a higher risk is not supported by scientific evidence.

Moreover, we are of the view that visually impaired should have the right to enjoy shopping activities in a convenient manner like their abled counterpart. They should not be deprived of the right to use escalators in a shopping centre by way of not providing them with the required accessible facilities such as warning strip and directional audio device. To exclude them from gaining access to the escalators is definitely against the principles of equal opportunities and social inclusiveness.

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(II) Removal of the Illuminating Contrast Standard from the New Design Manual

In the earlier Consultancy Review of the DM97, the Consultant proposed to adopt an illuminating contrast of at least 30% as a "Recommended Requirement" for staircase nosing and handrails, etc. It has been our stand that such a standard should be further enhanced by converting it from a "Recommended Requirement" to a "Mandatory Requirement" for achieving full compliance. However, it is very disappointing to note that the Consultant, in contrary to our request, finally deleted such a standard from the new Design Manual. Instead, it only set out the vague requirement of providing illuminating contrast for such facilities.

We opine that the Consultant's above act is a step backward in the provision of barrier-free access. Without specifying an objective and measurable standard for illuminating contrast in the new Design Manual, the building owners or property managers may find it difficult to comply with. As a result, the people with low vision and the elderly are exposed to great hazards at places with different levels such as stairs.

(III) Illumination Levels in Common Areas of Buildings

For illumination levels, the new Design Manual has set out the obligatory design standards for the common areas of buildings. We consider that such an arrangement is a good progress when compared with the DM97 as the latter did not provide any obligatory standards in this respect.

While we recognize the need for energy conservation, it is more important that people with low vision and the elderly should be provided with sufficient lighting level to facilitate them to access and move around a building in a safe and convenient way. We are of the view that both the Government and the property owners should have their roles to play as to how to strike a balance to meet the two needs. In fact, this may be achieved by deploying suitable devices including the installation of sensors to control the lighting level in the common areas of a building. The Government should initiate action to promote the greater use of such devices and to undertake researches to identify other suitable technologies to fulfill these needs.

(IV) Application of the 1997 Design Standards to Pre-1997 Buildings


We note the Government's policy objective that all buildings under major alteration after 1997 are required to provide access and facilities for the disabled in compliance with the standards of DM97. Moreover, the Disability Discrimination Ordinance also requires that owners of pre-1997 buildings have the responsibility to provide barrier-free access and facilities for people in need, unless they can prove that to provide such facilities would impose unjustifiable hardship on them. Despite such requirements, the progress on the provision of access and facilities in both private and public pre-1997 buildings remains far from being satisfactory. One example is that visually impaired patients often experience great difficulties in way findings in the Prince of Wales Hospital and other public hospitals when visiting these Hospitals for medical services. This is due to the fact that the hospitals lack suitable facilities such as guide path, sufficient illumination and contrast level for the patients with visual impairment.

We consider that the unsatisfactory outcome mentioned above is primarily attributable to the Government's failure to make concerted efforts or adopt an effective programme to implement the provision of access facilities, in particular in respect of private pre-1997 buildings, in the past ten years. We also fail to see in the current legislation preparation stage any mandatory measures or incentive scheme made by the Government to speed up such a process in future. As a result, many disabled continue to face unnecessary difficulties or unfair treatment when they wish to gain access to most of the pre-1997 buildings.

For Consideration

The above four aspects are some of the major problems that we have identified upon the completion of the Consultancy Review, and such problems are considered to have significant impacts on the accessibility of the visually impaired. In this regard, I should be grateful if your Sub-committee could kindly take into account our views when examining the Building (Planning) (Amendment) Regulation 2008 and the new design manual under it.

Yours sincerely,


TSANG Kin-ping
President
Retina Hong Kong

c.c. Commissioner for Rehabilitation, LWB
Equal Opportunities Commission
Hong Kong Joint Council for People with Disabilities