

立法會 *Legislative Council*

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Panel on Welfare Services

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

Background brief prepared by the Legislative Council Secretariat for the meeting on 21 June 2011

Purpose

This paper summarizes the discussions of the Panel on Welfare Services ("the Panel") on the Formal Investigation Report: Accessibility in Publicly Accessible Premises ("EOC Report") released by the Equal Opportunities Commission ("EOC") in June 2010 and the Government's response to and follow-up action on the Report.

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) ("BO") to provide access and facilities for persons with disabilities ("PWDs"). However, the provisions of BO do not apply to buildings belonging to the Government or buildings upon any land that is vested in the 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.

3. In 2007, EOC commenced a Formal Investigation to examine the progress made on the realisation of a barrier-free environment for PWDs, 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, Department of Health, Food and Environmental Hygiene Department, Government Property Agency, Home Affairs Department, Hongkong Post, Leisure and Culture Services Department and Transport Department.

4. The EOC Report, which was released on 7 June 2010, made 23 recommendations on the improvement of accessibility, connectivity and interface with surrounding environment and user-friendly management practices for publicly accessible premises.

Deliberations of the Panel

5. After the release of the EOC Report, the Panel was briefed at its meeting on 13 December 2010 on the Government's response to and follow-up action on the EOC Report. The Panel received views from 11 deputations on the EOC Report at its meeting on 22 January 2011. At the invitation of the Panel, the Chairperson of EOC had attended these two meetings.

Retrofitting programme

6. According to the Administration, having regard to operational requirements, technical feasibility and the time required for the retrofitting works, it had worked out a consolidated retrofitting programme for the premises and facilities concerned as follows –

- (a) 3 306 Government premises/facilities (85.1%) would be retrofitted before 30 June 2012;
- (b) 386 Government premises/facilities (9.9%) would 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) 193 Government premises/facilities (5%) would not be retrofitted because of imminent plan of decommissioning or disposal.

7. Members and the deputations attending the meeting generally welcomed the Government's response to and the proposed follow-up action on the recommendations in the EOC Report. In response to members' concerns about the implementation of the retrofitting programme, the Administration advised that it had convened a Task Force led by the Labour and Welfare Bureau ("LWB") and comprised 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 monitor the overall implementation progress. The Task Force would submit regular reports on the implementation progress of the retrofitting programme to the Chief Secretary for Administration. The Administration assured members that it would take forward the retrofitting programme and other initiatives and would 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.

8. The Chairperson of EOC informed the Panel that EOC welcomed the positive and active response of the Administration to the recommendations in the EOC Report, in particular its commitment in implementing the retrofitting programme. It would 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 had highlighted that the EOC Report was not a comprehensive review of accessibility of all the publicly accessible premises in the territory. Following the release of the EOC Report, EOC had set up a working group to monitor the progress made on the realisation of a barrier-free environment for PWDs 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 would continue to work closely with the Government to enhance the provision of barrier-free environment for PWDs and provide assistance and training to Government officials in this respect.

9. Some members and deputations expressed concern that little progress was made in respect of access to or use of certain premises and facilities under the management of The Link, and services owned or operated by the public transport companies. Specifically, these members and deputations expressed grave concern about the provision of barrier-free access facilities in the shopping centres under the management of The Link

and the Mass Transit Railway ("MTR") stations as well as the progress of lift installation programme on hillsides adjacent to public housing estates so as to enhance barrier-free access for the disabled and the elderly.

10. The Administration explained to members that The Link had assumed an overall and independent management of the retail and carpark facilities divested by HA since March 2005. According to The Link, it had been actively following up the relevant recommendations in the EOC Report, and it had already informed EOC of its response and the improvement works concerned. The building plans for major renovation works in properties owned by The Link and the Tenants Purchase Scheme housing estates were checked by the Independent Checking Unit of HA to ensure compliance with BO and the requirements under DM before approval. As regards the lift installation works to enhance accessibility, HD would take forward 26 lift installation works in 19 public housing estates, which were scheduled for completion by 2012. The Panel on Housing was briefed on the progress of the programme for adding lifts, escalators and footbridges to the existing public housing estates at its meeting on 10 February 2011.

11. The Administration had drawn members' attention to the scope of the EOC Report which conducted 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 were not covered by the EOC Report. Notwithstanding this, HD had devised a retrofitting programme to improve the accessibility of the properties under its management in addition to the consolidated retrofitting programme, and the Highways Department would also 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. According to the Administration, the franchised bus operators had been continuously enhancing accessibility of its fleet to cater for the transport needs of PWDs by providing an increasing number of super-low floor buses. LWB would convey to the Transport and Housing Bureau members' views on the provision of barrier-free access and facilities by public transport operators for follow-up discussion in the relevant Panel in due course.

12. According to EOC, the Formal Investigation examined means of access to or use of certain premises owned by or managed by HA, HKHS, The Link and various Government departments. EOC had been following up individual cases on accessibility issues with the Hospital Authority and

the MTR Corporation Limited. These included the use of Hospital Authority's telephone appointment system by persons with hearing impairment, and the accessibility of MTR stations.

13. In the view of members, the Administration was obliged to eliminate various forms of discrimination and to implement the United Nations Convention on the Rights of Persons with Disabilities. They took the view that the Administration should continue its efforts in identifying and tackling shortfalls in the provision of accessible facilities for PWDs in both Government and non-Government premises.

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

15. At the request of the Panel, the Administration agreed to provide a quarterly report on the implementation progress of the retrofitting programme. The progress of the Government's follow-up action as at 31 March on the EOC Report was issued to members vide LC Paper No. CB(2)1618/10-11(01) on 27 April 2011.

Exemption of buildings from BO

16. Members had enquired about the Administration's stance on the EOC's recommendation of removing the current exemptions of buildings belonging to the Government or buildings upon any land that was vested in HA from the provisions of BO.

17. The Administration pointed out that since the enactment of BO, buildings belonging to the Government or certain public authorities were exempt from the provisions of BO. Notwithstanding this, it had been the established policy for the Government and HA to comply with the prevailing requirements in DM. Moreover, BO had no retrospective effect and owners of pre-1997 private buildings were exempt from complying with the latest design requirements set out in DM unless renovation and addition works to the premises were 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 PWDs in compliance with the latest standards of DM, the Administration had to take into account a number of factors, including the needs of PWDs, technical feasibility, and the impact on the general public. Nevertheless, all buildings which had

undergone major alterations were required to provide access and facilities in compliance with the prevailing standards of DM.

Appointment of Access Co-ordinators and Access Officers

18. Members noted that an Access Co-ordinator would be designated within individual bureau or department to co-ordinate accessibility issues, and an Access Officer would be appointed for each venue, and enquired about the appointment arrangements.

19. The Administration elaborated that the appointment of Access Co-ordinators and Access Officers would facilitate a focused and co-ordinated approach relating to accessibility issues. Similar to the appointment of Green Managers and Gender Focal Points in individual bureaux and departments, an Access Co-ordinator, which was pitched at the Directorate Grade Officer level, would be designated within individual bureau or department to co-ordinate accessibility issues. The Administration envisaged that hundreds of Access Officers would be appointed as one such officer would be appointed for each venue. Suitable training on accessibility issues would be arranged for the responsible officers.

20. Members took the view that the Government should make public the contact details of the Access Co-ordinators and Access Officers. The Administration advised that the contact details of the Access Officers would be placed at a prominent location inside the venue and posted onto the website.

Moving of a motion debate at the Council

21. In view of the wide public concern about the provision of barrier-free access for PWDs in Hong Kong and the scope of the retrofitting programme involved, the Panel considered that an opportunity should be provided for Members to express their views on the subject and for the Administration to provide its response to the recommendations in the EOC Report and make a commitment on the implementation timetable of the retrofitting programme for upgrading the barrier-free facilities in existing Government premises and facilities. In this connection, the Panel agreed at its meeting on 13 December 2010 that a motion on the EOC Report should be moved for debate at a Council meeting. The agreement of the House Committee was obtained on 7 January 2011 for the allocation of a debate slot 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.

Formation of a subcommittee

22. The Panel agreed at its meeting on 10 January 2011 to appoint a subcommittee to monitor the Government's follow-up actions on the 23 recommendations in the EOC Report and to study issues relating to the provision of barrier-free access and facilities for PWDs. The approval of the House Committee was obtained on 8 April 2011 for the Subcommittee to activate and commence work in June 2011 upon the completion of work of the Subcommittee on Residential and Community Care Services for Persons with Disabilities and the Elderly.

Relevant papers

23. A list of the relevant papers on the Legislative Council website is in the **Appendix**.

Council Business Division 2
Legislative Council Secretariat
20 June 2011

Appendix

Relevant papers

Committee	Date of meeting	Paper
Panel on Welfare Services	9 January 2006 (Item III)	Agenda Minutes
Panel on Welfare Services	12 June 2006 (Item IV)	Agenda Minutes
Panel on Welfare Services	13 November 2006 (Item IV)	Agenda Minutes
Panel on Welfare Services	12 March 2007 (Item V)	Agenda Minutes CB(2)496/07-08(01)
Subcommittee on Building (Planning) (Amendment) Regulation 2008	30 May 2008 6 June 2008 10 June 2008 12 June 2008 16 June 2008 19 June 2008	Legislative Council Brief Report _____ of _____ the Subcommittee
Panel on Welfare Services	13 December 2010 (Item IV)	Agenda Minutes CB(2)1618/10-11(01)
House Committee	7 January 2011 (Item VIII)	Agenda Minutes
Panel on Welfare Services	10 January 2011 (Item IV)	Agenda Minutes
Panel on Welfare Services	22 January 2011 (Item I)	Agenda

Committee	Date of meeting	Paper
Legislative Council	26 January 2011	Official Record of Proceedings Pages 132 - 251 (Motion)
Panel on Housing	10 February 2011 (Item IV)	Agenda Minutes
House Committee	8 April 2011 (Item V(c))	Agenda Minutes

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