



中華人民共和國香港特別行政區政府總部勞工及福利局
 Labour and Welfare Bureau
 Government Secretariat, Government of the Hong Kong Special Administrative Region
 The People's Republic of China

本局檔號 Our Ref. : LWB R 4/3939/18 Pt 2 電話號碼 Tel No. : 2810 2102
 來函檔號 Your Ref. : CB4/PAC/R71 傳真號碼 Fax No. : 2543 0486

BY FAX No : 2543 9197

8 January 2019

Mr Anthony CHU
 Clerk, Public Accounts Committee
 Legislative Council
 Legislative Council Complex
 1 Legislative Council Road
 Central, Hong Kong

Dear Mr CHU,

Public Accounts Committee
Consideration of Chapter 6 of the Director of Audit's Report No. 71
Barrier-free facilities at government premises

Thank you for your letter dated 17 December 2018 requesting response and/or information in writing on matters set out in the Appendix of your letter. Our response is attached at *Annex* for your consideration, please.

Yours sincerely,

(Ms Polly HO)
 for Secretary for Labour and Welfare

Encl.

c.c. Director of Buildings (Fax No : 2868 3248)
Director of Architectural Services (Fax No : 2810 7341)
Director of Food and Environmental Hygiene (Fax No : 2524 1977)
Director of Leisure and Cultural Services (Fax No : 2602 4884)
Secretary for Financial Services and the Treasury (Fax No : 2147 5259)
Director of Audit (Fax No : 2583 9063)

Public Accounts Committee
Consideration of Chapter 6 of the Director of Audit's Report No. 71
Barrier-free facilities at government premises

Preamble:

It is the Government's policy objective to provide a barrier-free environment for persons with disabilities with a view to enabling them to access to Government premises and make use of Government facilities on an equal basis with others, thereby facilitating them to live independently and fully integrate into the community.

2. To achieve the above objective, the Government has adopted the policy that the Government and the Housing Authority (HA) should comply with the prevailing requirements in the "Design Manual: Barrier Free Access" (DM)¹ (the latest version being the DM updated in 2008) issued by Building Department (BD), and where practicable, achieve standards beyond the statutory requirements in the provision of barrier-free facilities. Specifically, new Government and HA buildings or alterations and additions to existing Government and HA buildings with construction commencing after 1 December 2008 will have to meet the mandatory requirements in the DM and wherever practicable, achieve a standard beyond the statutory requirements. The Architectural Services Department (ArchSD) and the Housing Department (HD), which are responsible for the design and construction of Government buildings and public housing respectively, have put in place internal administrative monitoring and vetting mechanism to ensure that all their newly constructed buildings or alterations and additions to existing buildings meet the statutory requirements.

3. The role of LWB is to facilitate Government-wide efforts in achieving the policy objective and it remains the responsibility of individual Government bureau and departments (B/Ds) to ensure that the policies and measures under their respective purview comply with the policy objective. Specifically, B/Ds managing the premises/ facilities are responsible for ensuring that barrier-free facilities will be provided within the premises. Each B/D is also required to designate an Access Co-ordinator (at directorate level) who is tasked to act as the focal point of Government network to facilitate Government-wide collaborated efforts in enhancing

¹ DM sets out both mandatory and recommended design requirements for barrier-free access and facilities. The DM was first published in 1984 and updated in 1997 and 2008.

the accessibility of Government premises and facilities. The Access Co-ordinator is supported by deputy/ regional/ district Access Co-ordinators where necessary, depending on the size and organizational structure of the B/D concerned, plus an Access Officer for each venue² under their management.

4. The statutory barrier-free design requirements in the 2008 DM do not apply retrospectively to pre-existing premises/ facilities, if no alteration and addition works are carried out. In response to the recommendations of Equal Opportunities Commission (EOC) in 2010, a major retrofitting programme was conducted during the period 2011 to 2014 to upgrade Government premises and facilities to the prevailing DM standards. As a one-off and special exercise to make prompt response and take follow-up actions on the EOC's recommendations, LWB was tasked to convene a Task Force in June 2010, comprising representatives from 15 government managing departments³, plus Chief Secretary's Office, ArchSD and BD, to examine the Government and the HA premises identified in the EOC Report as well as the premises and facilities under the management of B/Ds and the HA which had a frequent public interface. On the basis of the assessment of 13 of the managing departments⁴ of the premises which had frequent public interface, having regard to such factors as patronage, extent of improvement works involved, plan for major renovations, operational requirements and technical constraints, the Task Force formulated a retrofitting programme involving some 3,600 government premises/facilities, to be retrofitted in two batches, the first batch before 30 June 2012 and the second batch by 30 June 2014. In tandem, LWB issued a circular to all B/Ds to advise B/Ds that on top of the retrofitting programme individual B/Ds may continue to forward their requests for improvement works for barrier-free facilities in respect of other Government offices and premises to ArchSD or their works agent as and when required in accordance with the established mechanism for minor works projects.

² Where applicable and appropriate, the same Access Officer may be appointed for a group of venues which are not frequented by the public or are of a small scale.

³ The 15 managing government departments are Civil Engineering and Development Department, Department of Health, Food and Environmental Hygiene Department, Government Property Agency, Highways Department, Home Affairs Department, Hongkong Post, Hong Kong Policy Force, Housing Department, Immigration Department, Leisure and Cultural Services Department, Labour Department, Social Welfare Department, Transport Department, plus Judiciary.

⁴ Highways Department has been installing barrier-free access facilities in the form of lifts or ramps at public footbridges, elevated walkways and pedestrian subways where technically feasible under the "Universal Accessibility Programme" which had commenced before 2011 and hence was not included in the retrofitting programme. The Housing Department also separately devised a retrofitting programme to improve the accessibility of the public housing properties under the Housing Authority, and hence was not included in the retrofitting programme.

5. The Rehabilitation Advisory Committee (RAC) will, in undertaking the review of the Rehabilitation Programme Plan, review the barrier-free access for persons with disabilities in local community/living environment and recommend strategies and practical measures with a view to further enhancing the accessibility of the local community/living environment. The Government will consider implementing appropriate measures in the light of the recommendations of RAC.

For the Labour and Welfare Bureau

Part 1: Introduction

- 1) As referred to in paragraphs 1.11, 1.12, 2.8, 2.10 and 2.11, the Task Force convened by the Labour and Welfare Bureau ("LWB") aims at examining "the Government and the Hong Kong Housing Authority ("HA") premises identified in the Equal Opportunities Commission ("EOC") Report as well as the premises and facilities under the management of Bureaux and Departments ("B/Ds") and the HA which had a frequent public interface". It comprises mainly representatives from 15 B/Ds, of which 8 departments are investigated in the Director of Audit's Report.
 - (a) Why did the Administration only invite these 15 B/Ds to join the Task Force but not extend the invitation to all B/Ds?

Reply:

As explained in paragraph 4 of the Preamble above, the retrofitting programme conducted during the period 2011 to 2014 was a one-off and special exercise in response to EOC's recommendations in 2010, with a view to upgrading Government premises and facilities which have a frequent public interface to the prevailing DM standards. The retrofitting programme included some 3,600 government premises/facilities of such premises and facilities. While we are not able to provide the reason why the Task Force did not invite all B/Ds to join the Task Force on the basis of available records, it should be noted that the B/Ds which were invited to join the Task Force included Civil Engineering and Development Department, Department of Health, Food and Environmental Hygiene Department, Government Property Agency (GPA), Highways Department (HyD), Home Affairs Department, Hongkong Post, Hong Kong Policy Force, HD, Immigration Department, Leisure and Cultural Services Department, Labour Department, Social Welfare Department, Transport Department (TD), plus Judiciary. The

premises and facilities managed by these B/Ds should have the most frequent public interface. In addition, GPA had included in the retrofitting programme about 40 joint-user Government buildings in various districts, which are used by other B/Ds such as Inland Revenue Department and Legal Aid Department.

- (b) Had the Task Force discussed about the appropriate approaches to premises and facilities "having frequent public interface" which are managed by other B/Ds? If yes, of the details; if no, of the reasons.

Reply:

While we are not able to confirm on the basis of available records if the Task Force discussed the approaches to premises and facilities which are managed by other B/Ds to join the Task Force, it should be noted that, as explained in paragraph 4 of the Preamble, LWB issued a circular in February 2011 to all B/Ds to advise B/Ds that on top of the retrofitting programme individual B/Ds may continue to forward their requests for improvement works for barrier-free facilities in respect of other Government offices and premises to ArchSD or their works agent as and when required in accordance with the established mechanism for minor works projects.

- (c) Before EOC's formal investigation in 2006, were there any regular reviews on the accessibility facilities in B/Ds?

Reply:

As explained in paragraph 2 of the Preamble, the Government has adopted the policy that the Government and the HA should comply with the prevailing requirements in the "Design Manual: Barrier Free Access" (DM)⁵ (the latest version being the DM updated in 2008) issued by BD, and where practicable, achieve standards beyond the statutory requirements in the provision of barrier-free facilities. Specifically, new Government and HA buildings or alterations and additions to existing Government and HA buildings with construction commencing after 1 December 2008 will have to meet the mandatory requirements in the DM and wherever practicable, achieve a standard beyond the statutory

⁵ DM sets out both mandatory and recommended design requirements for barrier-free access and facilities. The DM was first published in 1984 and updated in 1997 and 2008.

requirements. The ArchSD and the HD, which are responsible for the design and construction of Government buildings and public housing respectively, have put in place internal administrative monitoring and vetting mechanism to ensure that all their newly constructed buildings or alterations and additions to existing buildings meet the statutory requirements.

As explained in paragraph 4 of the Preamble, the statutory barrier-free design requirements in the 2008 DM do not apply retrospectively to pre-existing premises/ facilities, if no alteration and addition works are carried out. A one-off and special major retrofitting programme was conducted during the period 2011 to 2014 to upgrade the premises and facilities with the most public interface managed by B/Ds to the prevailing DM standards. In tandem, LWB issued a circular to all B/Ds to advise B/Ds that on top of the retrofitting programme individual B/Ds may continue to forward their requests for improvement works for barrier-free facilities in respect of other Government offices and premises to ArchSD or their works agent as and when required in accordance with the established mechanism for minor works projects.

- 2) According to paragraph 1.18, LWB suspended the submission of further progress reports of the Retrofitting Programme to the Legislative Council in June 2014 "as the improvement works had been completed and the enhancement works were the ongoing work of the relevant departments". Has LWB followed up on the usage and maintenance of concerned premises and facilities afterwards? If yes, what are the findings?

Reply:

As explained in paragraph 3 of the Preamble, the role of LWB is to facilitate Government-wide efforts in achieving the policy objective of providing a barrier-free environment for persons with disabilities with a view to enabling them to access to Government premises and make use of Government facilities on an equal basis with others. It remains the responsibility of individual B/Ds to ensure that the policies and measures under their respective purview comply with the policy objective. Specifically, B/Ds managing the premises/ facilities are responsible for ensuring that barrier-free facilities will be provided within the premises.

To facilitate B/Ds' collaborative efforts in providing a barrier-free environment in Government premises and facilities for persons with disabilities, LWB has taken the following measures:

- (a) issued in December 2010 a memo to all B/Ds to introduce an Access Co-ordinator and Access Officer Scheme to enhance the accessibility of Government premises and facilities for persons with disabilities;
- (b) issued in February 2011 a circular to all B/Ds to set out the Government's overall policy and the role and responsibilities of Government B/Ds in providing a barrier-free environment in Government premises and facilities for persons with disabilities;
- (c) issued in September 2016 a memo to advise Access Coordinators of all B/Ds to conduct a review on their existing operational practice and procedure to ensure accessibility of persons with disabilities to the services/premises under their management in the key domains of awareness of needs of persons with disabilities, communication with Access Officers and venue-based staff, adequacy of deputy/regional/ district Access Coordinators and Access Officers, training of Access Officers and venue-based staff, as well as review and feedback mechanism;
- (d) issued in April 2018 a proforma to Access Coordinators of all B/Ds for compiling an annual return on the review of the operational practice and procedure to ensure accessibility of persons with disabilities to the services/premises under their management.

Part 2: Work of LWB over barrier-free facilities at government premises and BD in updating Design Manual

- 3) According to paragraph 2.8, only 13 B/Ds were involved in the Retrofitting Programme after the preliminary assessment conducted by the Task Force. The Highways Department for instance, was excluded because it "conducted a separate retrofitting programme".
 - (a) Had LWB been informed whether B/Ds had conducted/would conduct similar programmes before requesting for the preliminary assessment?
 - (b) Should it be more effective and efficient to examine the condition of premises and facilities by individual B/Ds?

Reply:

As explained in paragraph 4 of the Preamble,

- (a) Of the 15 managing government departments which joined the Task Force, the HyD and HD were indeed not invited to make assessment of the premises/ facilities under their management for the purpose of the retrofitting programme, as LWB was informed that they had conducted/ would conduct similar retrofitting programmes.
- (b) Only the remaining 13 managing government departments were asked to conduct an assessment on the individual premises/facilities under their management for compliance with the requirements stipulated in the DM on the basis of a checklist prepared by ArchSD, having regard to such factors as patronage, extent of improvement works involved, plan for major renovations, operational requirements and technical constraints
- (c) What are the criteria on selecting premises/facilities for Retrofitting Programme?

Reply:

In selecting premises/facilities for the Retrofitting Programme, B/Ds concerned should take into account the relevant factors, patronage, extent of improvement works involved, plan for major renovations, operational requirements and technical constraints, as set out in a checklist prepared by ArchSD. The types of barrier-free facilities included site entrances, lifts, toilets, parking spaces, public information counters, common areas, as well as the availability of visual fire alarm systems, accessible signage, tactile guide path, braille and tactile floor plan, assistive listening system, visual display boards, etc.

- 4) According to paragraphs 2.9 (b) and 2.10, LWB did not invite all B/Ds to assess the needs to upgrade their barrier-free facilities, possibly due to "the tight and pledged timetable for completing the works under the Retrofitting Programme from mid-2012 onwards.
 - (a) When and how was the target of mid-2012 set? Does LWB agree that time constraint should not override the policy intent to fulfill the needs of persons with disabilities?

Reply:

The target timetable for completing the works under the retrofitting programme from mid-2012 onwards was set in July 2010 with a view to making prompt response to and take follow-up actions on the EOC's recommendations. As explained in paragraph 4 of the Preamble, the one-off and special major retrofitting programme was conducted during the period 2011 to 2014 to upgrade the premises and facilities with the most public interface managed by B/Ds to the prevailing DM standards. In tandem, LWB issued a circular to all B/Ds to advise B/Ds that on top of the retrofitting programme individual B/Ds may continue to forward their requests for improvement works for barrier-free facilities in respect of other Government offices and premises to ArchSD or their works agent as and when required in accordance with the established mechanism for minor works projects. Hence, the policy objective of providing a barrier-free access for persons with disabilities to government premises/ facilities had not been overridden by the target of completing the retrofitting programme from mid 2012 onwards.

- (b) Will the Administration consider conducting afresh a large-scale assessment and initiating any necessary retrofitting action?

Reply:

As explained in paragraph 5 of the Preamble, the RAC will, in undertaking the review of the Rehabilitation Programme Plan, review the barrier-free access for persons with disabilities in local community/living environment and recommend strategies and practical measures with a view to further enhancing the accessibility of the local community/living environment. The Government will consider implementing appropriate measures in the light of the recommendations of RAC.

- 5) According to paragraphs 2.13 to 2.15, LWB originally planned to collect feedback from B/Ds on reviews of their accessibility issues before end of 2017, but it took a long time on discussing and preparing the proforma, and the target of collecting feedback was extended to on or before 15 April 2019. What is the reason for the long time taken?

Reply:

LWB has taken a longer time than expected to finalize a proforma to collect the feedbacks of some 70 B/Ds on the review results of their respective operational practice and procedure to ensure accessibility of persons with disabilities to their respective services/premises. A draft proforma was prepared in April 2017 and refined in November 2017. This was mainly due to the lead time required for designing the questionnaires which require professional inputs and consultation with a large number of B/Ds. The proforma was finalized and issued to B/Ds in April 2018.

- 6) According to paragraph 2.16, Audit noted from the progress reports of the Retrofitting Programme that, for the positions as reported for the period from March 2011 to June 2014, a total of 103 premises/facilities were taken out from the Retrofitting Programme without providing reason. Why did LWB not require B/Ds to document the reasons for taking out the premises/facilities from the Retrofitting Programme?

Reply:

In compiling the large number of returns from B/Ds on the Retrofitting Programme for transmission to LegCo in the form of regular progress reports, LWB had endeavoured to provide in each progress report the full information as provided by the B/Ds concerned, including the number of premises/facilities under the retrofitting programme and their particulars. For the 103 premises/facilities which were taken out from the retrofitting programme, it was reported to Audit in response to its enquiry that 32 items were completed, 55 were cancelled due to various reasons (e.g. under decommissioning/redevelopment or had been closed), and 16 are in progress/under review. In coordinating returns from B/Ds for submission to LegCo in future, LWB will remind B/Ds to provide more comprehensive information to LegCo.

- 7) As referred to in paragraphs 2.24 and 2.25, the Design Manual for barrier-free access is regularly reviewed and amended when appropriate. Has the Administration examined the retrofitted premises/facilities and existing premises/facilities of B/Ds to ensure they comply with the latest Design Manual for barrier-free access?

Reply:

As explained in paragraph 2 of the Preamble, the Government has adopted the policy that the Government and the HA should comply with the prevailing requirements in the DM issued by BD, and where practicable, achieve standards beyond the statutory requirements in the provision of barrier-free facilities. Specifically, new Government and HA buildings or alterations and additions to existing Government and HA buildings with construction commencing after 1 December 2008 will have to meet the mandatory requirements in the DM and wherever practicable, achieve a standard beyond the statutory requirements. ArchSD and HD, which are responsible for the design and construction of Government buildings and public housing respectively, have put in place internal administrative monitoring and vetting mechanism to ensure that all their newly constructed buildings or alterations and additions to existing buildings meet the statutory requirements.

Part 3: Work of the Food and Environmental Hygiene Department ("FEHD") and the Leisure and Cultural Services Department ("LCSD") in providing and managing barrier-free facilities under their management

- 8) According to paragraph 3.3, the Administration launched an "Access Co-ordinator and Access Officer Scheme" to enhance the accessibility of government facilities and services within B/Ds.
- (a) What are the differences between Access Officer ("AO") and venue-based staff in their duties on accessibility issues?

Reply:

Under normal circumstances, at least one Access Officer should be appointed for each venue under the management of a B/D. If the Access Co-ordinator is satisfied that it is not practicable to station an Access Officer at the venue concerned (for example where there is a group of venues which are not frequented by the public or are of a small scale, e.g. sitting-out areas at roadside, aqua privies in remote areas, landing steps of a remote public pier, etc.), a venue-based staff may be designated to assist the Access Officer in overseeing the accessibility matters of the venues concerned.

- (b) How would AO and venue-based staff communicate and report to management staff if problem emerges?

Reply:

Venue-based staff should regularly report to, and if necessary seek the advice of, the Access Officers on accessibility issues of the venue under his charge. Moreover, under the guidelines issued by LWB, Access Co-ordinators should regularly gauge the views and feedback of Access Officers and venue-based staff on :

- i. practical experience and difficulties encountered in implementing the operational guidelines/instruction of the B/D concerned;
- ii. immediate or long-term solutions to the problems identified; and
- iii. staff awareness of adopting a caring attitude when handling PWDs' requests and the support/assistance required from the management.

- 9) According to paragraphs 3.14(a) & 3.15(a), LCSD did not specify the time interval for conducting the access audit while FEHD requested access audits should be conducted on an annual basis.

- (a) Does LWB have guidelines on making access audits?

Reply:

According to the guidelines issued by LWB, B/Ds should conduct regular access audits to:

- (i) ensure proper provision of barrier-free facilities without undue alternations or obstructions to, and proper maintenance of, the facilities; and
- (ii) assess the need for upgrading the barrier-free facilities in respect of the premises under their management.

- (b) Was LWB's Rehabilitation Division involved in conducting access audits?

Reply:

As set out in LWB's circular to all B/Ds in February 2011, LWB plays the role of facilitating Government-wide efforts in achieving the policy

objective to provide a barrier-free environment for persons with disabilities, and it remains the responsibility of individual B/Ds to ensure that the premises/ facilities under their respective purview comply with the requirements of the overall Government policy objective. LWB issued a memo in September 2016 to advise Access Coordinators of all B/Ds to conduct a review on their existing operational practice and procedure to ensure accessibility of persons with disabilities to the services/premises under their management. As individual managing B/Ds have expert knowledge in managing their premises/ facilities, they are best placed to tailor-make their own audit checklist and audit procedures to suit the operational needs of individual venues/facilities.

- 10) According to paragraph 3.36, as of 30 June 2018, 52 out of 101 AOs of FEHD and 183 out of 347 AOs of LCSD had not attended seminars/trainings on accessibility issues.
- (a) What is the frequency of seminars held on accessibility issues by FEHD & LCSD, and whether LWB has set any guidelines in this regard?
 - (b) Is it compulsory or voluntary for AOs to join, and whether LWB has set any guidelines in this regard?
 - (c) If it is voluntary, how could B/Ds ensure their AOs would understand the latest requirements of the issues?

Reply:

According to the circular issued by LWB to all B/Ds in February 2011, Access Co-ordinators in B/Ds should arrange suitable training for their AOs, in collaboration with EOC and the Civil Service Training and Development Institute (CSTDI), as appropriate. Such training should cover practical guidance on handling accessibility issues, assistance to persons with disabilities having regard to the operational circumstances of individual departments and venues, and proper ways to help persons with disabilities to evacuate from the venue in case of emergency. LWB also reminded all B/Ds via a memo issued to all B/Ds in September 2016 that Access Coordinators should nominate Access Officers and venue-based staff to attend the regular training courses organized by CSTDI on accessibility issues and to assess the training needs and organize tailor-made seminars/ workshops for Access Officers and venue-based staff in collaboration with CSTDI having regard to the operational needs of individual B/Ds and venues.