

## **LEGCO QUESTION NO. 14**

### **(Written Reply)**

Date of meeting : 8 May 2002

Asked by : Hon LAW Chi-kwong Replied by : Secretary for  
Planning and Lands

### **Question**

In 1997, the Building Authority revised the Design Manual: Barrier Free Access to require that buildings should provide proper access and facilities for persons with a disability and of other categories. Such requirements include, inter alia, that buildings should have at least one barrier-free entrance, and ramps with handrails on both sides should be provided at places with changes in level. A rehabilitation agency has recently conducted a survey on buildings in various districts in Hong Kong, which reveals that the design of some buildings does not comply with such requirements. For example, barriers are found along the access of the only entrance, ramps that should be provided are not available, the persons-in-charge of the buildings do not remove facilities which contravene the regulations and install proper ones until after having obtained the occupation permits, etc. In this connection, will the Government inform this Council whether it has assessed the causes of such malpractices?

### **Reply**

Madam President,

We issued the Design Manual : Access for the Disabled in 1984 requiring the provision of suitable access and facilities to a private building for persons with mobility problems. It stipulated, inter alia, that a ramp with handrails on both sides should be provided at change in levels. These requirements were not applicable to domestic buildings and some buildings (e.g. hotels and places of public entertainment) were allowed to have limited facilities.

2. In 1997, we broadened the scope of the Design Manual to cover persons with hearing and visual impairment and to enhance the facility provision requirements. All newly constructed or substantially altered private buildings are subject to the requirements set out in this new manual. The only exception is where compliance would impose unjustifiable hardship on the owner concerned (e.g. where the provision of such facilities in a very small site would render the whole development not viable), or where compliance is impracticable because of physical constraints (e.g. where the presence of a structural ground beam in an existing building would render the provision of a ramp not possible).

3. The non-provision of facilities in some buildings for disabled persons may usually be attributed to one of the following reasons :

- (a) the buildings were built prior to the promulgation of the Design Manuals; or
- (b) the requirements have been waived exceptionally for new buildings because they would impose unjustifiable hardship on the building owner concerned or because it is not practicable to provide the facilities in existing buildings undergoing alteration works; or
- (c) the facilities have been removed by the owners/occupants without authorization. This may lead to enforcement actions by the Buildings Department.

4. There may be occasions where access facilities have been provided after the issue of occupation permits. These occasions include -

- (a) where the owner of a building that was built prior to the promulgation of the Design Manuals was required, as a result of undertaking substantial alteration and addition works, to provide these facilities in compliance with the existing requirements; and

- (b) where the building owner has provided these facilities on his own initiative, although it is not obligatory for him to do so.

5. While the requirements set out in the 1984 and 1997 Design Manuals are only applicable to private buildings, all government buildings and buildings under the Housing Authority designed and built after the promulgation of the manuals also follow these requirements as far as practicable. We have also provided some older government buildings and Housing Authority buildings with adequate facilities for the disabled. We will continue our effort in this regard.