

CHAPTER 3

APPLICATION, EXEMPTIONS AND ENFORCEMENT

APPLICATION AND EXEMPTIONS

- 3.1** Recognising the distinct physical characteristics of each building and to avoid imposing unjustifiable hardship on building owners, the requirements set out in this Manual are classified into -
- (a) **Obligatory design requirements**
 - All requirements falling within this category shall be complied with, unless the building owner is able to prove that any of them, individually or jointly, will impose unjustifiable hardship on him or her; and
 - (b) **Recommended design requirements**
 - These requirements are included for the reference of building owners and professionals who intend to provide access and/or special facilities that are enhanced from the obligatory design requirements for the use by persons with a disability.
- 3.2** Subject to **3.3 and 3.4**, a new building or any alterations or additions to an existing building shall be designed in accordance with the obligatory design requirements set out in this Manual.
- 3.3** The means of access and facilities stipulated in the obligatory design requirements may be provided to the categories of buildings specified in the first column of the following table only to the extent specified in the second column thereof -

Category of
buildings

Extent of the application
of this Manual

1. Domestic buildings	<ul style="list-style-type: none"> - All common areas of buildings of more than 4 storeys. - Main entrance and common area of the ground floor and means of access thereto for buildings which do not exceed 4 storeys.
2. Composite buildings	<ul style="list-style-type: none"> - Non domestic parts of such building. - All common areas of the domestic parts of such buildings, if the domestic parts exceed 4 storeys. - Main entrance and common area of the ground floor and means of access thereto, if the domestic parts do not exceed 4 storeys.
3. Buildings which are places of public entertainment	<ul style="list-style-type: none"> - The area of the main foyer; - The spectator level in the auditorium provided in accordance with 3.5 and means of access thereto; - Toilets for the use of the public.
4. Public swimming pools, gymnasia, games halls and sport stadia	Areas include any swimming pools, changing rooms, toilets and other facilities open to the public, and the means of access thereto.
5. Hotels	<ul style="list-style-type: none"> - Public areas and means of access thereto; - Rooms for persons with a disability provided in accordance with 3.6 and means of access thereto.

3.4 The obligatory design requirements shall not apply to -

- (a) buildings of 13m or less in height above ground level which are used, or intended to be used, for occupation by a single family; or
- (b) temporary buildings or contractor's sheds referred to in Part VII of the Building (Planning) Regulations (Cap.123 sub.leg.).

3.5 AUDITORIUM

3.5.1 Obligatory Design Requirements

There shall be provided in the auditorium of every building which is a place of public entertainment a spectator level with unobstructed line of vision, a minimum of four wheelchair spaces. Two wheelchair spaces shall be provided for every 400 fixed seats and any part thereof. (For example, a total of six wheelchair spaces shall be provided if there are 900 fixed seats.) The spaces shall be grouped into a number of not less than four and also not separated from the seats for other audiences. For the purpose of this section a wheelchair space is a rectangle of 800 mm x 1300 mm with the side of 800 mm facing toward the stage podium or screen (see **Figure 1**).

3.5.2 Recommended Design Requirements

The stage of an auditorium and the back-of-stage facilities such as changing rooms, rehearsal rooms etc. should be accessible to wheelchair users by a ramp or a vertical lift.

3.6 HOTELS

Obligatory Design Requirements

A minimum of two guest rooms with full facilities for persons with a disability shall be provided to a hotel. Two such rooms shall be provided for every 100 guest rooms and any part thereof. (For example, a total of four such rooms shall be provided if there are 150 guest rooms.) For the purpose of this section, hotel includes hostel and guesthouse. A typical bathroom and shower compartment are shown in **Figure 2**.

ENFORCEMENT

3.7 To ensure effective enforcement, the following obligatory design requirements are put into the following legislation -

Legislation	Obligatory Design Requirements
Building (Planning) Regulations	3.5.1 for auditorium; 3.6 for hotels; 4.1.1 for access; 4.2.1 for ramps; 4.3.1 for dropped kerbs; 4.4.1 for steps and staircases; 4.5.1 for handrails; 4.6.1 for corridors, lobbies and paths; 4.7.1 for doors; 4.8.1 for W.C. cubicles; 4.9.1 and 4.9.2 for signs; 4.10.1 for public service counters 5.4.1 for emergency call bell in disabled toilets; 5.6.1 for induction loop system 5.7 and 5.7.1 (a), (c), (d) and (e) and 5.8.1 for lifts.

For those obligatory design requirements which are not put into legislation, we intend to incorporate them into the following codes of practice -

Code of Practice	Obligatory Design Requirements
COP for Minimum Fire Service Installations and Equipment and Inspection and Testing of Installations and Equipment deemed to satisfy the requirements of the Director of Fire Services for the purpose of complying with Section 16(1)(b) of the Buildings Ordinance (Cap.123)	5.3.1 for fire alarm system in buildings intended to be used by the public.
COP on the Design and Construction of Lifts and Escalators and on the Examination, Testing and Maintenance of Lifts and Escalators deemed to satisfy Lifts and Escalators (Safety) Ordinance (Cap. 327)	5.7.1 (b), (f) and (g) for lifts provided for persons with a disability.