

CHAPTER 1

FOREWORD

1.1 The Disability Discrimination Ordinance was enacted in August 1995. It prohibits, among other things, discrimination against persons with a disability by failing to provide means of access to any premises that the public or a section of the public is entitled or allowed to enter or use, or by refusing to provide appropriate facilities. However, there is no discrimination in relation to the provision of access to premises if the premises are so designed or constructed as to be inaccessible to persons with a disability and any alteration to the premises to provide such access would impose unjustifiable hardship on the persons who would have to provide it. A person who believes he or she has been discriminated against in relation to access to premises or the provision of facilities may lodge a complaint with the Equal Opportunities Commission or may institute legal proceedings in the court. Reference may be made to this Manual as one sees fit in considering whether it is reasonable to require the provision of such access or facilities.

1.2 For a new building or for the alterations or additions to an existing building, section 84 of the Disability Discrimination Ordinance stipulates that: -

“84. Building approvals

- (1) Notwithstanding any provision in any other Ordinance (whether enacted before or after the commencement of this Ordinance) but subject to subsection (3), a public authority which has the power to approve building works shall not, in respect of those works, approve building plans, whether for a new building or for the alterations or additions to an existing building unless the person seeking approval satisfies the public authority that such access as is reasonable in the circumstances to the building or premises will be provided for persons with a disability.*
- (2) In considering whether reasonable access will be provided under subsection (1), the public authority may take into account: -*
 - (a) whether it is practicable to provide such access within the curtilage of the building, bearing in mind the physical location and immediate environs of the building; and*
 - (b) whether providing such access would impose unjustifiable hardship on the person seeking approval or on any other person.*
- (3) Subsection (1) has no application to: -*
 - (a) buildings of 13 m 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.).*

1.2 (Cont'd)

(4) *In this section, "public authority" includes: -*

- (a) *the Director of Lands;*
- (b) *the Building Authority;*
- (c) *the Housing Authority;*
- (d) *the Director of Architectural Services."*

1.3 This Manual applies to the design and construction of new buildings or alterations and additions to existing buildings. Relevant Government authorities and departments will also refer to it in the design and construction of their buildings.

1.4 To ensure effective enforcement, the following obligatory design requirements of this Manual are put into the following legislation: -

| Legislation | Obligatory Design Requirements |
|---------------------------------|---|
| Building (Planning) Regulations | Division 1 auditorium and related facilities Division 2 hotels, hostels and guesthouses Division 3 carparks Division 4 access route Division 5 ramps Division 6 dropped kerbs Division 7 steps and staircases Division 8 handrails Division 9 corridors, lobbies and paths Division 10 doors Division 11 toilets and W.C. cubicles Division 12 bathrooms and shower compartments Division 13 signs Division 14 special obligatory design requirements to assist persons with visual/hearing impairment to various uses of buildings in Table 2 Division 15 public information or service counters Division 16 illumination Division 17 emergency call bell in accessible toilets Division 18 assistive listening systems Division 19 lifts, indication and notification Division 20 escalators and passenger conveyors |

For those obligatory design requirements which are not put into the above legislation, it is intended 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, Testing and Maintenance 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) | Visual alarm and audible alarm in paragraph 5.2 in Chapter 5. |
| COP on the Design and Construction of Lifts and Escalators and COP for Lift Works and Escalator Works deemed to satisfy Lifts and Escalators (Safety) Ordinance (Cap. 327) | Emergency call buttons in lifts in Division 19. |