

**Business Facilitation Advisory Committee
Food Business Task Force**

***Concerns Expressed by the Catering Industry on
the Review of the Design Manual: Barrier Free Access 1997***

Purpose

This paper presents the concerns expressed by and the proposals put forward by the catering industry on the Design Manual: Barrier Free Access 1997 (DM97) and the requirements on ramp design as set out in the draft of the revised DM97.

Background

2. Under the Disability Discrimination Ordinance (Cap 487) as well as the Building (Planning) Regulations and related legislation under the Buildings Ordinance (Cap 123), newly constructed or substantially altered private buildings are required to provide access and facilities for people with disabilities (PWDs). The obligatory and recommended design requirements for provision of the access and facilities are set out in DM97.

3. In the 2001 Policy Address, the Government proposed the conduct of a review of DM97 with a view to enhancing the design requirements taking into account changes in building technology and expectation of the community. The design requirements would also be enhanced to ensure the health and safety of the elderly.

4. The Administration commissioned a consultancy study to review DM97, and issued the draft of the revised DM97 (draft revised DM) in January 2006 for a six-month public consultation. The draft revised DM will be finalised taking into account views received in the consultation, and necessary legislative amendments to the relevant building regulations will be introduced.

5. The Legislative Council Panel on Welfare Services conducted a number of meetings in 2006 to discuss the draft revised DM and the outcome of public consultation, as well as the Administration's initial response to the views collected. In these meetings, the Panel also listened to the views expressed by the deputations on the difficulties encountered by the PWDs when they accessed the buildings and facilities.

Concerns and Proposals of the Catering Industry

6. The Administration responded to Members' concerns at the Panel meeting held on 12 March this year. Before this meeting, the catering industry had expressed their concerns (Paragraphs 7 to 11) to the Panel through the Hong Kong Catering Industry Association, in the hope that the Administration would understand the difficulties of the trade and come up with improvement proposals satisfactory to both sides so as to balance the needs of the PWDs and the trade.

7. The Hong Kong Catering Industry Association pointed out that the catering industry had always respected the rights of the PWDs and had made every effort to facilitate their barrier free movement. However, many members of the trade considered that the requirements on ramp design as stipulated in the DM97 were unsatisfactory as they hampered the applications for licence/transfer of licence for food premises.

8. According to the requirement stipulated in the draft revised DM, "ramps of an appropriate design shall be provided at all changes in level". A ramp shall not be less than 1050mm in width. No ramp shall be steeper than 1 in 12 gradient except in the two situations of minor rise stipulated in the draft revised DM. If the gradient of a ramp is 1 in 20 or steeper, the ramp should be provided with handrails. These requirements on ramp stipulated in the draft revised DM are largely the same as those stated in the existing DM97.

9. The trade considered that, due to scarcity of land in Hong Kong, many small and medium-sized food premises are only several hundred square feet in size. With varied layout, they are often required to make use of raised platform to achieve the optimum use of space. This is indeed also for better utilization of resources. However, the design requirements on ramps as stipulated in DM97 and the draft revised DM will occupy much space, thereby imposing a lot of constraints on the design of the food premises and substantially reducing the usable area.

10. The trade also pointed out that since 18 April last year, the Food and Environmental Hygiene Department (FEHD) had rejected a number of applications for transfer of food business licences on the grounds that the absence of ramps for raised platforms or staircases was not in compliance with the legislative requirements. Representatives of the trade advised that the food premises were not rejecting the patronage of PWDs because accessible seats were provided for them. Moreover, they did not intend to deny the PWDs' access to raised platforms or seating areas with staircases. In fact, it is difficult to build ramps for these parts of area owing to the shortage of space. If the raised platforms or staircases were to be removed, the usable area in the premises would be substantially reduced. As a result, it would be difficult to

find a buyer to take over the business and the transfer of licence would come to a halt.

11. The trade understood that they had to treat PWDs with respect and facilitate their access as far as possible. However, along with this broad principle, they hoped the Administration could ensure that the business environment would not be jeopardized. With reference to the flexible practices for cinemas, the trade proposed to stipulate in the guidelines that the provision of ramps was not required for raised platform or staircases in food premises, but accessible seats shall be provided for PWDs in food premises.

Way Forward

12. Members are welcome to advise on the trade's concerns and provide suggestions on the way forward.

Business Facilitation Advisory Committee Secretariat
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