

## Study on Law of Barrier-free Environmental Construction in China

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**Abstract:** Barrier-free environment construction is an important sign of a country's level of civilization and social development. Since 1980s, our country's barrier-free environment construction system has gradual improvement which have begun with legislation of barrier-free environment construction, especially the first-tier cities' barrier-free environment establishment has reached a higher level. There, however, are a lot of problems, including low awareness for establishment of barrier-free environment, insufficient supervision of barrier-free environment, lack of real consideration for users' needs in design of barrier-free facilities, and systematic deficiency in barrier-free environment establishment and the like. But there are still lots of problems. Emphasis and solutions on these problems will push barrier-free environment construction into a higher level and protect the disabled and other social members' rights practically.

**Key Words:** Barrier-free environment construction; The disabled; Legal issues

### 1. Legal definition of barrier-free environment construction

#### 1.1 Concepts of barrier-free environment construction

According to *Code for Design of Barrier-free of Urban Roads and Buildings*, barrier-free environment mainly includes material environment, information and communication accessibility. Material environment accessibility is mean that the design planning in urban roads, public buildings and residential areas should be convenient for the disabled and other social members to pass through and use. Information and communication accessibility is mean that public media should be convenient for the vision and hearing impaired to have no trouble in acquiring information and communication.

#### 1.2 The concepts related to barrier-free environment

Barrier-free design. Targeting at "Eliminating Obstacles", from the initial design of equipment and facilities in the building and the whole environment of public space, it can cater different usage needs for the disabled, the elderly and other people with disabilities.[1]

Reasonable convenience. According to the definition of the Convention on the Disabled, reasonable convenience means that according to the specific needs, in the case of not causing excessive or improper burden, it makes necessary and appropriate modifications and adjustments, to ensure the disabled can enjoy or exercise all human rights and fundamental freedom on the basis of equality. Convention Committee thereafter made additional remarks: "Reasonable Convenience" means that it makes necessary and appropriate modifications and adjustments based on the specific needs of the case on the basis of providing barrier-free facilities."[2]

#### 1.3 Features of barrier-free environment

(1) Non-profit. Barrier-free environment which belongs to public goods provided for the disabled and other social members has the non-profit characteristic. Developers or contractors usually ignore the construction of the barrier-free environment during the construction process. Sometimes, they even do not consider construction of barrier-free environment on purpose in order to save costs.

(2) Supportable. Barrier-free environment has very important significance for the disabled and other social member, that is to say, there is no barrier-free environment, there is no basic living security, and the disabled are unable to participate and integrate into society equally. It can be said that the disabled can not enjoy the equal rights as the

healthy people do without barrier-free environment.[3]

#### 1.4 Types of barrier-free environment

Barrier-free environment is the constructed objective environment which mainly aims at the disabled and other social members with physical limitations. According to the different types of Disability Classification and Grading, barrier-free environment can be divided into: (1)Visual barrier-free environment; (2)Hearing barrier-free environment; (2)Limbs barrier-free environment; (4)Language barrier-free environment; (5)Mental barrier-free environment; (6)Intellect barrier-free environment and (7)Multiple disability barrier-free environment.[4]

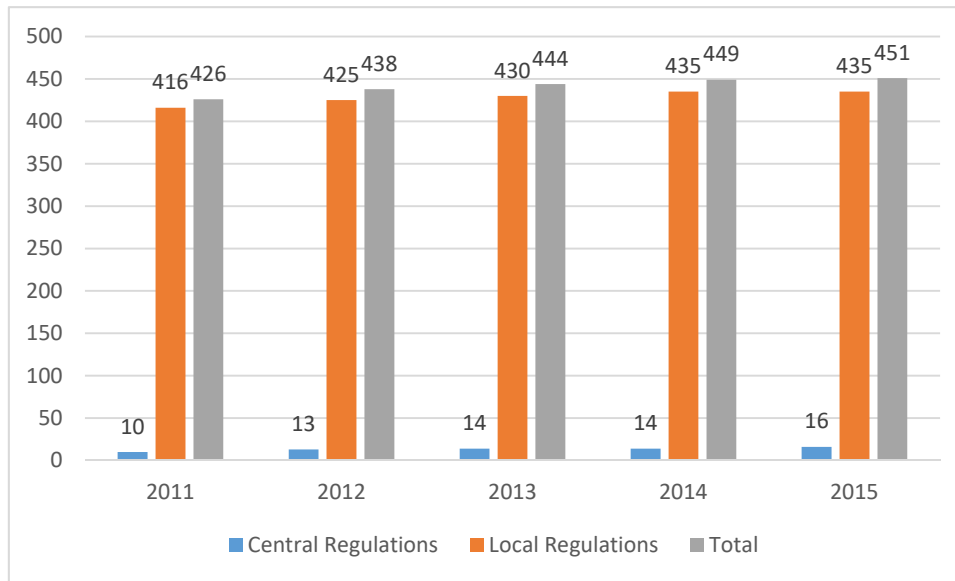
## 2. Legal policy system of Chinese barrier-free environment construction

Our country's barrier-free legislation started at 1980s, and it groped in practice, and went through the process from fuzzy to specific and standardize (As shown in Table 1). Except the policies and regulations promulgated by the central government, local governments also are actively formulating corresponding supporting measures combined with the local practical situation. By 2015, 451 units of measures for the administration of barrier-free construction at provincial, municipal and county levels were published throughout the country (As shown in Table 2). At this point, accessibility laws and regulations are becoming systematic, construction standards are being improved constantly, which formed the basic pattern of barrier-free environment construction in our country.[5]

Table 1 Legal Policy Carding of Barrier-Free Environment Construction

Particular Year	Laws	Policies
1986		Compilation of <i>Codes for the Design of Urban Roads and Buildings for Disabled Persons (for trial implementation)</i>
1990	<i>the Law of the People Republic of China on the Protection of Disabled Persons</i>	
1998		<i>Circular on the Construction of Barrier-free Facilities in Cities.</i>
		<i>A Circular on Supplementary Provisions on the Implementation of the Design Regulations for Urban roads and Buildings for the Convenience of Disabled Persons.</i>
2000	<i>Code for the Design of Urban Roads and Buildings for the Convenience of Disabled Persons.</i>	
	<i>Configuration Standard of Barrier-free Facilities for Civil Airport Terminal Area.</i>	
2005	<i>Code for Barrier free Design for Passenger Railways Station.</i>	
2012	<i>the Regulations on the Construction of Barrier-free Environment.</i>	
2016		the Construction of Barrier-free Environment "Thirteenth Five-Year" Implementation Plan.

Table 2 Published Quantities of Legal Policy of Barrier-free Environment Construction



### 3. Existing problems and countermeasures of barrier-free environment construction

#### 3.1. Existing problems

##### (1) Incomplete legislative system

In our country’s current legislative system, most of them are initiatives and encouraging provisions, without punitive measures, it is difficult to implement laws in place. The general vagueness of higher-level laws which results in the local introduction of supporting measures are difficult to unify, therefore, the executive effect and implementation dynamics all around the country differ greatly.

##### (2) Lack of effective supervision to barrier-free environment

Administrators of the government department, owing to the differences in their abilities and qualities, haven’t been able to form effective supervision and management system to the new and retrofit barrier-free facilities. First of all, the approval procedures to the communal facilities planning and construction are not strict enough, illegal barrier-free construction occurs from time to time, or they even do not build any barrier-free facilities at all. Secondly, the supervision strength is not enough during the construction process, and excessively loose engineering acceptance criteria also exists, which leads to barrier-free facilities qualities are difficult to guarantee. Finally, the effective maintenance is not sufficient and facilities are often severely damaged, so they can not be used effectively.<sup>[6]</sup>

##### (2) Society’s weak awareness to the barrier-free environment

For a long time, developers and construction organizations often ignore the construction of barrier-free environment, communal facilities are all planned and constructed in accordance with sound people’s standard, and the barrier-free facilities are severely damaged, which cause inconvenience to the life and use of the disabled.

#### 3.2. Solutions

##### (1) Perfect legal framework

Every community across our country should, based on the Regulations, formulate supporting measures in line with local conditions. Firstly, we need to know the responsibility subject and authority of barrier-free environment construction, and every principle of the barrier-free facilities construction. Secondly, we should improve and perfect supervision mechanism, determine the subject of the punishment, and the standard and intensity of punishment. Thirdly, for the principled provisions in the Regulations, like the provision in the term of information accessibility, we should develop detailed rules for practical operation. Fourth, all walks of life related with

barrier-free environment, such as information communication, urban roads, scenic spots and historical sites and others should develop their own standards, to ensure have law to abide by.<sup>[7]</sup>

### **(2) Strengthen Law enforcement**

Firstly, clearly define administrative departments' responsibilities. It requires to reference to the practice of the United States, in which it is led by the central government and clearly defines the responsibilities between all the ministries and they perform their own functions. Secondly, establish supervision mechanism of barrier-free environment construction. It requires to reference to the practice of England, in which the governments play a role of leader, and some non-government organizations including Association for the Disabled, Architectural Design Association and volunteers are required to take part in the supervision, so as to improve government's administrative efficiency and promote implementation of the barrier-free environment construction legal polices.<sup>[8]</sup>

### **(3) Strengthen the propaganda and popularize the knowledge of barrier-free environment**

Make full use of the modern mass media to publicize and popularize the knowledge of barrier-free environment construction through multiple channels and multiple ways. Focus on the promotion of laws and regulations such as *The Rights for the Disabled* and *Regulations for the Construction of the Barrier-free Environment*, to improve the public awareness of the barrier-free environment, maintain and supervise barrier-free environment construction consciously.

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