

## The Impact of Rapid Ageing in Japan on Accessibility issues

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### Introduction

The notion of the emergence of an aged society in Japan is relatively new, and its consequence has rarely been taken seriously even by the government until fairly recently. However, Japan is quickly growing into a highly aged society (National Institute of Population Problems, 1986; National Institute of Population and Social Security Research, 1997). In 1970, the ratio of population 65+ was just 7%. In 1994, it was 14%. It took only 24 years, i.e., less than a generation, for Japan to double the ratio. It is a speed that has never been paralleled. Japan will still continue to grow older, and in the year 2015, the ratio of people 65+ will be more than 25% (see Figure 1). It is a situation that has never been experienced in any developed nation, and Japan will be the first to reach this astonishing level. With such a high speed of aging, it is argued if Japan could prepare for this future.

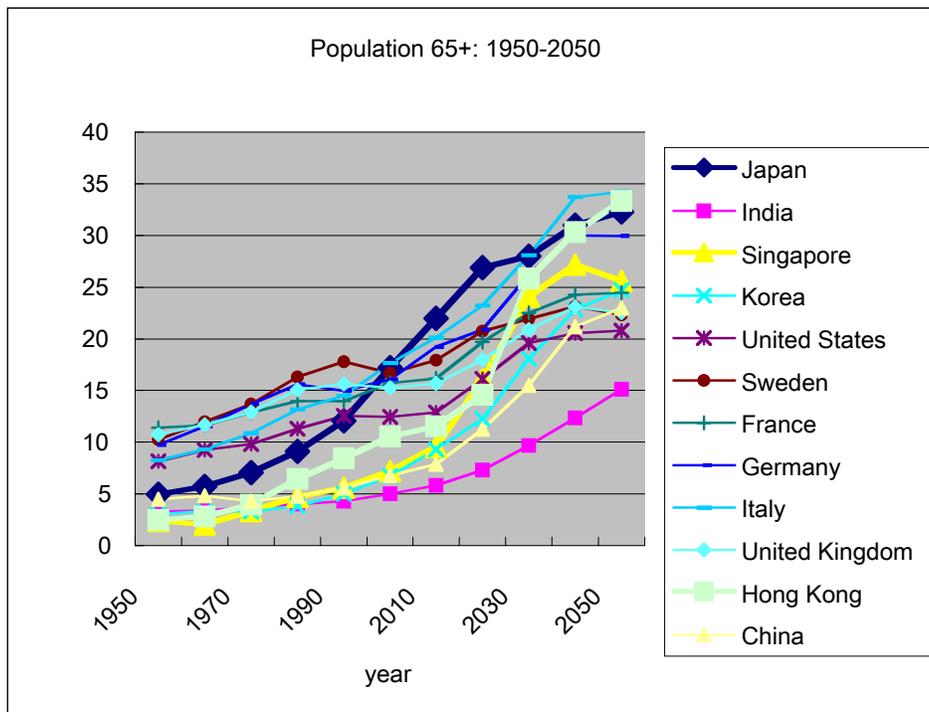


Figure 1. Trend of population ageing in selected countries between 1950 and 2050.

Another important feature is that more and more people live in urban areas. The official statistics show that in 1988 more than 76% of Japanese population lived in cities and suburban areas. It is a fairly new phenomenon, but it requires for those who have lived for most of their lifetime in rural areas to choose whether they would continue to live there with sub-standard social services, or would move into urban or suburban areas where their children's family live in order to receive more acceptable level of services in addition to informal in-family care. In a sense it is a choice between aging-in-place and relocation for a better community care.

It must be pointed out that in-family care has been implicitly integrated into the system of social welfare services in Japan (at least up to now). All the more, the social assumption was that (eldest) son's family would take care of the aging parents, preferably as an extended family. Unfortunately, social context that supported this is becoming no more valid, partly due to the social attitude, and partly due to the decreasing number of children.

Design requirements in dwellings for the aging population have never been properly met by the designers although the aging population is increasing (Kose et al., 1992). The situation is similar for outside of the dwellings. It is true that barrier-free design has long been tried in larger buildings, etc., with the assistance of design guidelines, but it has only been on a voluntary or negotiation basis because virtually nothing is required in the Building Standard Law of Japan.

Some local governments have begun to introduce barrier-free requirements in their local building ordinance at the beginning of the 1990s. The Building Standard Law of Japan allows them some freedom to issue such ordinances. It has become a new trend toward the recognition of the right of access to buildings as opposed to the past assumption that barrier-free design is a form of welfare measures.

This chapter tries to discuss the implication of such a move, then the introduction of a new special law on accessibility, and possible future directions from the viewpoint of living in cities and their environs. It is after all the quality of living that determines the satisfaction of residents in the area, and accessibility is one of the most crucial factors.

### **International Perspectives That Affect Accessibility Legislation**

The year 1981 was the UN International Year of Disabled Persons. There were many activities, also in Japan, with several design guidelines of buildings and facilities being issued, by the central government and local governments (Kose, 1992). The International Decade of Disabled Persons was 1983-1992, but no comprehensive summing up of the accomplishments about accessibility of the built environment was done in 1992. Most people seemed to have been content that non-mandatory guidelines have worked enough for the provision of accessibility.

Most remarkable move in the international scene during the period came from the US as the enactment of the ADA, the Americans with Disabilities Act, in July 1990. It is a great milestone in the sense that the civil rights movement in the United States reached a stage where the rights of persons with disabilities were recognized as inviolable. Although the government agency directly in charge is the Department of Justice and not the Government Departments on Buildings or Transportation, it surely declared that the United States reached a new heightened stage. Many have assumed that the US is historically a nation where the

public will not intervene with the activities of the private, but the ADA showed that the US took a step beyond that as to accessibility. If one does not abide by the ADA, one will run the risk of being sued.

### **Some New Moves in Japan**

In the past in Japan, the accessibility issue was mostly under the control of Welfare Ministry and its Departments. As early as 1974, Machida City, one of the local governments, issued "Design guidelines of buildings and facilities toward a welfare city," which aimed at creating an accessible environment for the wheelchair users from the viewpoint of welfare measures. It was not mandatory, but the local government tried to influence the building clients as much as they can to include barrier-free design in larger buildings and facilities for wheelchair users. It succeeded to some extent and other local governments followed, but because it was voluntary for the clients to accept the requirements or not, the move toward realizing barrier-free environment was slow; its effectiveness was not so much enough, either, as might have been desired.

To overcome the limitation, some local governments went one step forward to introducing local building ordinance that incorporated obligatory accessibility requirements. Kanagawa Prefecture started the discussion in 1988, and after careful preparation they enforced the revised building ordinance in 1990.

The most important point is that the Japanese Building Standard Law was established in 1950 and no revision has ever been made of the basic philosophy since. It became evident, therefore, that the law is far apart from the current social context. At the time when the law was enacted, the ratio of the aged population (65+) was just 5%, and persons with disabilities were almost invisible. They stayed in the home, and were basically being cared for by the family members. The law therefore assumes healthy adults as representative (major) users of buildings. Only reference to other age groups was the pupils of a primary school, to the dimensions of stairs (possibly because it was the only situation where children will move around unaccompanied by parents and other adults). No revision system was incorporated, either, in the law. There were several occasions when the revisions were made, but they were focused on technical issues (against earthquakes or large fires) rather than social contextual matters.

The Building Standard Law of Japan however allows some freedom to the local governments to issue an ordinance applicable in their localities. It is because the law defines only the nationwide minimum level, but allows local specific needs to be met through local decisions. The original idea of this freedom for addition was locally specific conditions, such as geographic or climatic (wind forces by typhoons in particular), but not social ones. The addition will relate to structural/fire safety and sanitation, and it covers only large-scale public buildings, etc. Smaller scale buildings can never be covered, nor can usability requirements be the issue of regulation, either.

However, the Kanagawa Prefecture tried as much as they could to include usability requirements of people with wheelchairs in the ordinance. It succeeded in persuading the local council chamber to pass the ordinance. The requirements it could not include were left with the existing recommendations, "Design guidelines of buildings and facilities toward a welfare city," which were under the control of the Welfare Department.

Following the Kanagawa Prefecture, Osaka Prefectural government took another step. As Local Municipality Government Law allows the local governments to establish ordinances to fulfill the goal of their policy measures, Osaka gave "Design guidelines of buildings and facilities toward a welfare city" a status of ordinance rather than just recommendations. It means that the requirements are enforceable, not voluntary. It is arguable whether the general ordinance is as strictly enforceable as the local building ordinance, because the former can be over-restrictive to the right of building clients. The reasoning on the side of the local governments is that local council chamber passed the ordinance, which means that the voice of the public is in favor of the introduction of accessibility requirements.

Some other local governments were ready to follow these prefectures, and introduced similar ordinances. It has become a new trend toward the recognition of the right of access to buildings, in contrast to the past assumption that barrier-free design is a form of welfare measures, or charity.

### **Source of Headache: Different localities have different contents of ordinances**

It is perhaps natural to compare different requirements in different local governments because it will give some insight into problems that must be solved. Unlike countries where national standards on accessibility exist (such as the UK or the US), Japan has never had any of the kind. It meant that local governments established their own guidelines in the past, and they tended to incorporate the existing requirements in the guidelines into the new ordinance. Such existing requirements were, unfortunately, inconsistent between different local governments because they normally did not have any logical basis of decision, technical or social whatsoever. The discrepancies between different local governments included: Type of buildings to be covered (large scale residential buildings were mostly excluded except in some); size of buildings (minimum floor area varied from one local government to another: 1,000 sq.m, or 500 sq.m); elevator requirements (obligatory or voluntary); and dimensions and numbers of respective features, such as clear width of doors and passages of various spaces. No one can argue that requirements in one local government are absolutely superior to others, because they are not founded on a logical basis. It is the designers and clients who are put into trouble once they wished to ask for building permission from one local government of a building design that has already been accepted in another. It is because no performance-based standards existed.

### **A Brave New Idea Comes into the Scene: Accessible and Usable Buildings Law**

In the early 90s, the central government was trying to find ways to integrate new trends toward accessibility into their own policy initiatives. As the result, the new Japanese with Disabilities Act (which is mainly handled by the Ministry of Health and Welfare) was enacted in 1993 (it is a completely updated version of old Law on Measures for the Disabled.). This complete revision seems to have been accelerated by the ADA. It in effect paved the way to realize a special law by the Ministry of Construction, Accessible and Usable Buildings Law. This was the launch of a new era to ensure that environments will accommodate the aging society. Tabled in spring 1994, the new law passed the Diet on 28th June 1994 (Law 44, 1994). Government officials feared there will be argument against enacting the law, but the time was ripe enough to pass it without major opposition.

The law is not replacing the Building Standard Law but providing an alternative procedure to obtain the building permit if the building has incorporated accessible and usable design

features. Design guidelines with two levels (basic and recommended) were issued that describe what will constitute accessible and usable buildings. Public buildings and facilities beyond a certain size are requested to abide by them. The law hands over some authority to the Governors of local governments, which enables them to require owners/managers of public buildings in their localities to be accessible/usable, in the form of local building ordinances in particular.

The government also introduced preferential interest rate schemes and subsidies linked to the law at the same time, which are expected to work as incentives. It has previously been done for the installation of elevators in railway stations, etc., in some local governments. New measures include tax exemption for inevitable floor area increase, etc. The difficulty is that efforts necessary to apply for such benefits do not always justify the extra work in terms of time and cost.

Policy measures by the Ministry of Construction was also issued in June 1994, as a statement toward barrier-free built environment, from dwellings to urban infrastructures (Ministry of Construction, 1994). Design Guidelines of Dwellings for the Ageing Society were issued in June 1995 by the Ministry of Construction, whose idea is now incorporated into the government housing loan schemes by the Housing Loan Corporation of Japan (Kose, 1996). The guidelines were not obligatory but worked as strong incentives. Dwelling design standards of major housing manufacturers were changed almost overnight. These all aim at realizing accessible physical environment in the years to come.

### **Could the Building Standard Law Be Revised to Incorporate Accessibility Requirements?**

Probably, the problems designers and clients are faced with due to building control are not unique in Japan. However, it is true that the limitations of the present Building Standard Law are severalfold in our system. The following points could be identified as problems needing urgent solution.

- 1) Assumption of building users is inadequate any more (this is in part pointed out by the Accessible and Usable Building Law);
- 2) no established system of regular revisions is existent (in the introduction of the Dwelling Guidelines for the Ageing Society, this is explicitly stated);
- 3) no compromise to alterations of existing buildings is considered;
- 4) too much emphasis is given on specification requirements and performance standards are too vague; and
- 5) delegation to local ordinances is too restrictive.

Among the problems listed above, the lack of distinction between new and existing buildings seems to cause the most difficult problems in real situations, followed by the lack of logical basis for specified requirements. It can perhaps be said that the two are closely correlated. The basic idea of Japanese Building Standard Law seems that it assumes the life span of buildings just 30 to 60 years, depending on the type of structures. Japanese took it for granted that timber structures will be replaced in 30 years, and reinforced concrete or steel structures in 60 years. If the change in the society was slow, we could perhaps wait until every building is replaced by a new one. However, the speed of aging is too fast, as I already referred to. We cannot wait so long, nor can we accept physical barriers to continue to exist. It is much preferable for the existing buildings to be improved, even if the full requirements of accessibility for new buildings are not met. To attain this intermediate goal, it is necessary to

introduce another (lower) level of requirements just applicable to alterations of existing buildings. The idea of double standards is common to countries where the expected life of buildings is long.

### **Problems to be solved**

Presently, however, it is still no easy thing to revise the Building Standard Law. The government has insisted that the Law define just the minimum level of requirements. In reality, however, not only clients but also architects and designers tend to think that current requirements are at the optimum level (A previous survey revealed that architects/designers preferred mandatory accessibility requirements because clients are not willing to accept voluntary ones).

Without the support from the society, the government officials argue, it is virtually impossible to introduce new accessibility concepts into the Building Standard Law. However, as the move to the aging society is too fast, the public has not yet reached the stage to accept that barrier-free standards should be included in the requirements. There was one possibility in 1998 when a complete revision of the Building Standard Law into a performance based one was conducted as part of the government's move to deregulation. Unfortunately, introduction of accessibility concepts to the law was denied. It will be sometime before the proposal for next revision will become possible.

In the mean time, Housing Quality Assurance Law was enacted in 1999, and design for the aging was one of performance requirements to be covered. The law covers only new dwelling units, and it is not obligatory for them to come under the scheme. However, the non-obligatory nature is likely to lead to a situation where better quality housing providers will apply for the performance rating, and the expectation is that general quality of dwellings will be upgraded in due course.

### **Concluding Remarks**

Asia-Pacific Decade of Disabled Persons was started in 1993 with the initiative of UN-ESCAP. It inevitably made Japan a forerunner on the issue of accessibility legislation in the Asia-Pacific region. Cooperation with the ESCAP officials, extensive discussion with specialists from different countries, both from the governments and from non-government organizations, have revealed the problems and prospects Japan is faced.

With the end of the decade is approaching, Japan is going to have a law on accessible transportation. It is sure to heighten the awareness of the society, and may lead to the revision of the Building Standard Law. After all, accessible and usable society will be possible only when dwellings, buildings, transportation, and the built environment in general are designed for everybody.

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