

**立法會**  
**Legislative Council**

LC Paper No. CB(1)145/15-16  
(These minutes have been seen  
by the Administration)

Ref : CB1/SS/1/15/1

**Subcommittee on Building (Standards of Sanitary Fitments, Plumbing,  
Drainage Works and Latrines) (Amendment) Regulation 2015 and  
Building (Administration) (Amendment) (No. 2) Regulation 2015**

**Minutes of the first meeting held on  
Tuesday, 27 October 2015, at 9:00 am  
in Conference Room 3 of the Legislative Council Complex**

- Members present** : Hon Alice MAK Mei-kuen, BBS, JP (Chairman)  
Hon Abraham SHEK Lai-him, GBS, JP  
Hon Tommy CHEUNG Yu-yan, GBS, JP  
Hon WONG Ting-kwong, SBS, JP  
Hon Cyd HO Sau-lan, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Dr Hon Kenneth CHAN Ka-lok  
Hon KWOK Wai-keung  
Hon TANG Ka-piu, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP
- Members absent** : Hon CHAN Hak-kan, JP  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Hon Tony TSE Wai-chuen, BBS
- Member attending** : Hon WU Chi-wai, MH

**Public Officers attending : Agenda item II**

Mr Maurice LOO Kam-wah  
Deputy Secretary (Planning and Lands)<sup>2</sup>  
Development Bureau

Mr Arsene YIU Kai-cheuk  
Principal Assistant Secretary (Planning and Lands)<sup>3</sup>  
Development Bureau

Mr CHEUNG Tin-cheung  
Deputy Director of Buildings

Mr YU Tak-cheung  
Assistant Director/Existing Buildings 2  
Buildings Department

Miss Emma WONG  
Senior Government Counsel  
Department of Justice

**Clerk in attendance :** Ms Sharon CHUNG  
Chief Council Secretary (1)<sup>2</sup>

**Staff in attendance :** Miss Evelyn LEE  
Assistant Legal Adviser 10

Mr Fred PANG  
Senior Council Secretary (1)<sup>2</sup>

Ms Maggie LAU  
Council Secretary (1)<sup>2</sup>

Ms Christina CHIU  
Legislative Assistant (1)<sup>2</sup>

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Action

**I Election of Chairman**

Mr Abraham SHEK, the member who had the highest precedence in the Council among members of the Subcommittee present at the meeting,

presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship.

2. Miss Alice MAK was nominated by Ir Dr LO Wai-kyok and the nomination was seconded by Mr MA Fung-kyok. Miss MAK accepted the nomination. Mr SHEK called for other nominations. As there was no other nomination, Mr SHEK declared that Miss Alice MAK was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a Deputy Chairman.

## **II Meeting with the Administration**

- |                                |  |
|--------------------------------|--|
| (L.N. 191 of 2015              | -- Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015  |
| L.N. 192 of 2015               | -- Building (Administration) (Amendment) (No. 2) Regulations 2015  |
| File Ref.: DEVB(PL-B) 30/30/98 | -- Legislative Council Brief   |
| LC Paper No. LS2/15-16         | -- Legal Service Division Report   |
| LC Paper No. CB(1)53/15-16(01) | -- Marked-up copy of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 prepared by the Legal Service Division |
| LC Paper No. CB(1)53/15-16(02) | -- Marked-up copy of the Building (Administration) (Amendment) (No. 2) Regulations 2015 prepared by the Legal Service Division   |
| LC Paper No. CB(1)53/15-16(03) | -- Letter from Assistant Legal Adviser to the Administration dated 20 October 2015   |

LC Paper No. CB(1)53/15-16(04) -- Paper on Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 and Building (Administration) (Amendment) (No. 2) Regulations 2015 prepared by the Legislative Council Secretariat (Background brief))

3. The Subcommittee deliberated (index of proceedings in the **Appendix**).

Follow-up actions

4. The Administration was requested to provide the following information --

Consultation on the proposed amendments

- (a) the basis and justifications for the Administration to state in its letter dated 26 October 2015 (LC Paper No. CB(1)71/15-16(01)) that --
  - (i) the Equal Opportunities Commission welcomed the introduction of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191) and the Building (Administration) (Amendment) (No. 2) Regulation 2015 ("the two Amendment Regulations");
  - (ii) the Department of Justice had advised that enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of men, and hence should not give rise to allegations of gender discrimination;
- (b) the number of individuals (including those from the consultancy firm) taking part in the study/survey on the review of the Building (Standards of Sanitary Fitments,

Plumbing, Drainage Works and Latrines) Regulations and how many of them were females;

The ratio for assessing the number of males to that of females in public places

- (c) details of the findings and factors/justifications that supported the Administration's proposal to adopt a ratio of 1:1.5 for assessing the number of males to that of females in public places;
- (d) whether a ratio of 1:1.5 had been adopted for assessing the number of males to that of females in most of the newly-completed premises/buildings in recent three years; if yes, the details;
- (e) details (with examples) on the extent to which the required numbers of watercloset fitments provided for male and female persons in different types of public places would increase as a result of the adoption of the aforesaid ratio of 1:1.5;
- (f) the reasons for the Administration's response to the proposal of some members to amend the aforesaid ratio of 1:1.5 to, say, 1:2 that there would be difficulties from a legal point of view;

Restaurants in a shopping arcade

- (g) with regard to a shopping arcade comprising, among others, restaurants --
  - (i) factors to be taken into account and details on the assessment in determining the requirements/standards for the provision of sanitary fitments in the shopping arcade;
  - (ii) how the Administration assessed the provision of additional sanitary fitments that should be provided in the shopping arcade in the case of any subsequent increase in the number of restaurants;

- (iii) measures adopted by the Administration (e.g. the Buildings Department and the Food and Environmental Hygiene Department) to monitor the compliance with the statutory requirements on the provision of sanitary fitments in shopping arcades/restaurants; the number of prosecutions taken against non-compliance in the past two years; how to ensure that such facilities would be kept open to the public/visitors in the day-to-day operation of shopping arcades and would not be converted into other uses (such as store room or toilets for staff).

Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers

- (h) referring to the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP No. ADV-28) updated by the Buildings Department in November 2012 ("Practice Note"), which set out the Buildings Department's recommendations relating to the provision of sanitary fitments, the legal status/binding effect of the Practice Note, and how far the recommendations had been/would be adhered to;
- (i) whether, after the enactment of the proposed amendments, the Administration would revise its recommendation in the relevant Practice Note on the ratio of male to female persons in the assessment of populations for the provision of sanitary fitments in premises from 1:1.5 to a more realistic ratio;

Provision of unisex toilets

- (j) referring to paragraph 12 of the Practice Note about the provision of unisex toilets, whether and under what circumstances the Administration would count the provision of unisex toilets in private buildings (such as places of public entertainment, restaurants, etc.) as provision of sanitary fitments for male or female persons for these premises;

Facilities for children and babies

- (k) whether the Administration would introduce legislation on the provision of : (a) baby care facilities (such as baby changing facilities) in male and female toilets, and (b)

sanitary fitments (such as waterclosets) inside male or female toilets suitable for the use of children; if yes, the details; if no, the reasons;

Other issues

- (l) whether the practice of temporarily allocating some of the male toilets/watercloset compartments in premises for the use of female persons, hence changing the ratio between the provision of male and female sanitary fitments in the premises, would be contravening the relevant statutory requirements regarding the provision of sanitary fitments in the premises; and if yes, the reasons; and
- (m) whether the Administration would consider offering incentives such as relaxation of planning restrictions/plot ratios to encourage private owners/developers to achieve standards beyond the statutory requirements in the design and provision of sanitary fitments in public places and office buildings, so as to better cater for the needs of female persons; if yes, the details; if no, the reasons.

*(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(1)90/15-16(07) on 2 November 2015.)*

Extension of scrutiny period

5. Noting the legislative timetable, the Subcommittee agreed to extend the scrutiny period of the two Amendment Regulations. Members noted that the Chairman would move the relevant resolution at the Council meeting of 4 November 2015.

Schedule of meetings and invitation of public views

6. Members agreed that the second and third meetings would be held on 3 November and 9 November 2015 respectively at 9:00 am. Members also agreed that the Subcommittee would receive public views on the two Amendment Regulations at the meeting on 3 November.

*(Post-meeting note: The notice of meetings was issued to members vide LC Paper No. CB(1)73/15-16 on 27 October 2015.)*

**III Any other business**

7. There being no other business, the meeting ended at 10:40 am.

Council Business Division 1  
Legislative Council Secretariat  
10 November 2015



**Proceedings of the first meeting of the  
Subcommittee on Building (Standards of Sanitary Fitments, Plumbing, Drainage  
Works and Latrines) (Amendment) Regulation 2015 and  
Building (Administration) (Amendment) (No. 2) Regulation 2015  
on Tuesday, 27 October 2015, at 9:00 am  
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Election of Chairman</b>			
000120 - 000240	Mr Abraham SHEK Miss Alice MAK Ir Dr LO Wai-kwok	Election of Chairman	
<b>Agenda Item II – Meeting with the Administration</b>			
000241 - 000906	Chairman Administration	Briefing by the Administration	
000907 - 001757	Mr CHAN Chi-chuen Administration	<p>Mr CHAN Chi-chuen enquired about --</p> <p>(a) the factors that had been taken into account by the consultant commissioned by the Administration in recommending the standards for the provision of sanitary fitments; and</p> <p>(b) whether the Administration would introduce unisex toilets to meet the needs of transgender persons and the users who needed to take care of family members of the opposite gender.</p> <p>The Administration responded that --</p> <p>(a) the consultant had conducted field surveys on the use of sanitary fitments in different types of public places and had looked at various aspects including capacity, level and time of usage of the facilities, queuing time, level of user satisfaction, etc.; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) on the proposed introduction of statutory requirements for the provision of unisex toilets, the relevant consultancy report pointed out that more in-depth study would be required.</p> <p>In response to Mr CHAN's enquiry on whether the practice of temporarily allocating some of the male toilets/watercloset compartments in public places for the use of female persons was in contravention of the relevant statutory requirements, the Administration advised that the practice was not in contravention of the relevant regulations as it did not involve removal of approved sanitary fitments.</p>	
001758 - 002408	Mr MA Fung-kwok Administration	<p>Mr MA Fung-kwok enquired about --</p> <p>(a) whether, in recommending the standards for the provision of sanitary fitments, the consultant had taken into account the fact that the audience of a cultural performance event usually used the toilets in the venue concerned within a short time (during the intermission); and</p> <p>(b) the Administration's plan, including the timetable, to improve the provision of sanitary fitments in the existing government sports venues to meet the relevant standards; and the number of sports venues which were currently not in compliance with the standards.</p> <p>The Administration responded that --</p> <p>(a) the proposed amendments were about the standards for the provision of sanitary fitments in private buildings, including sports stadia; and</p> <p>(b) as regards the cultural or sport venues which were government-owned, the</p>	

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		<p>Administration would continue to increase the provision of sanitary fitments in the venues where practicable when carrying out major renovation for the existing ones, and take into account the latest standards/requirements when designing new venues.</p>	
002409 - 003534	Ms Cyd HO Administration Chairman	<p>Ms Cyd HO opined that --</p> <ul style="list-style-type: none"> <li>(a) the Administration had not given adequate consideration to the facts that females usually used toilets for a longer time than males did, and long queues were often seen in female toilets in public places such as cinemas; and</li> <li>(b) the proposal to adopt a ratio of 1:1.5 for assessing the number of males to that of females for the provision of sanitary fitments could not effectively cater for the needs of female persons for such facilities in public places including cultural venues, and the Administration should further revise the ratio.</li> </ul> <p>Ms HO enquired whether --</p> <ul style="list-style-type: none"> <li>(a) apart from assessing the number of male and female persons in public places, the Administration had taken into account the difference in the time taken by male and female persons in the use of sanitary fitments and the distinctive needs of both sexes when working out the proposed standards for the provision of the facilities; and</li> <li>(b) the Administration had consulted the Women's Commission on the proposed amendments, and applied the gender mainstreaming concept when formulating the proposal.</li> </ul>	

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		<p>The Administration responded that --</p> <p>(a) the consultant had studied the difference between males and females in the demand for sanitary fitments including usage time and waiting time, etc.; and</p> <p>(b) women organizations including the Women's Commission had been consulted on the proposed amendments.</p> <p>Ms HO and the Chairman requested the Administration to provide information on --</p> <p>(a) the number of individuals (including those from the consultancy firm) taking part in the study/survey on the review of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulation ("the Regulation") and how many of them were females; and</p> <p>(b) the findings and factors/justifications that supported the Administration's proposal to adopt a ratio of 1:1.5 for assessing the number of males to that of females in public places.</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>
003535 - 004357	Mr KWOK Wai-keung Administration Chairman	<p>Mr KWOK Wai-keung opined that the proposed amendments should include requirements on the provision of baby care facilities in male and female toilets and directional signages to guide toilet users.</p> <p>The Administration responded that --</p> <p>(a) in 2009, the Buildings Department had published a Practice Note to recommend the provision of baby care rooms in private commercial buildings; and</p>	

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		<p>(b) it might not be appropriate for the Regulation, which was related to sanitary fitments and the hygiene of private buildings, to provide for the provision of baby care rooms.</p> <p>Mr KWOK said that instead of setting out recommendations in the Practice Note, which were not mandatory, the Administration should make legislative amendments to mandate the provision of baby care facilities such as baby changing counters in toilets. The Chairman asked the Administration to provide information on whether it would introduce legislation on the provision of such facilities.</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>
<p>004358 - 005555</p>	<p>Dr Kenneth CHAN Administration</p>	<p>Dr Kenneth CHAN opined that -</p> <p>(a) the waiting time for using female toilets was long; and</p> <p>(b) promotion of voluntary adoption of the standards recommended in a Practice Note could not effectively enhance the provision of family-friendly facilities such as baby changing and breast-feeding facilities in public places.</p> <p>The Administration advised that up to the first quarter of 2014, 105 building projects had adopted the enhanced ratio as recommended in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered</p>	

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		<p>Geotechnical Engineers ("PNAP No. ADV-28") since 2005 for assessing the number of males to that of females for the provision of sanitary fitments.</p> <p>Dr CHAN enquired about --</p> <p>(a) how the Administration assessed the number of sanitary fitments required in a shopping arcade comprising restaurants if sanitary fitments would not be provided inside these restaurants; and the individual responsibilities of these restaurants' owners to provide sanitary fitments in the arcade; and</p> <p>(b) why the ratio of 1:1.5 for assessing the number of males to that of females in premises would not be applicable to existing buildings unless they underwent major alteration and addition works.</p> <p>The Administration responded that --</p> <p>(a) the provision of sanitary fitments in a shopping arcade comprising restaurants would be the summation of the numbers of sanitary fitments required for the restaurants and the shopping area respectively;</p> <p>(b) the Food and Environmental Hygiene Department would examine the adequacy of the provision of sanitary fitments when considering each application for a restaurant licence; and</p> <p>(c) under the Buildings Ordinance, any improved building design standards did not have retrospective effect and would only apply to building works of which the plans were submitted after the effective dates of the revisions.</p>	

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
005556 - 010002	Mr Gary FAN Administration	<p>Mr Gary FAN opined that the Administration should introduce legislation on the provision of suitable facilities, such as baby seats and waterclosets suitable for the use of children, inside male and female watercloset compartments in the toilets in public places to cater for the needs of people carrying infants, if the number of persons in the premises had reached a certain level, say more than 200. He further said that given the limited space required, the provision of such facilities should be feasible.</p> <p>The Administration responded that the relevant Practice Note included recommendations on the provision of sanitary fitments that were suitable for the use of children in private buildings, and further studies would be required before considering whether to incorporate the provision of such facilities into the legislation.</p>	
010003 - 011003	Mr WU Chi-wai Administration Chairman	<p>Mr WU Chi-wai enquired whether the Administration would require larger restaurants (accommodating a larger number of customers) to adopt a higher standard than the smaller restaurants for the provision of sanitary fitments. The Administration responded that the proposed amendments provided different standards for the provision of sanitary fitments in restaurants of different sizes.</p> <p>Mr WU and the Chairman requested the Administration to provide information about --</p> <p>(a) the factors to be taken into account in determining the requirements/standards for the provision of sanitary fitments in a shopping arcade comprising among others restaurants; and how the Administration assessed the provision of additional sanitary fitments that should be provided</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>in the arcade in the case of any subsequent increase in the number of restaurants; and</p> <p>(b) the measures adopted by the relevant government departments to monitor the compliance with the statutory requirements on the provision of sanitary fitments in shopping arcades/restaurants; the number of prosecutions taken against non-compliance in the past two years; how to ensure that such facilities would be kept open to the public/visitors in the day-to-day operation of shopping arcades and would not be converted into other uses (such as store room or toilets for staff).</p> <p>In response to the Chairman's enquiry on whether, in the case where a new restaurant was provided in a shopping arcade, the additional sanitary fitments required and the new restaurant could be situated on different floors, the Administration advised in the affirmative.</p>	
011004 - 012247	Mr Alan LEONG Administration	<p>In response to Mr Alan LEONG's enquiries, the Administration would provide information on --</p> <p>(a) the extent to which the required numbers of watercloset fitments provided for male and female persons in different types of public places would increase as a result of the adoption of the ratio of 1:1.5 for assessing the number of males to that of females for the provision of sanitary fitments; and</p> <p>(b) whether the Administration would consider offering incentives such as relaxation of planning restrictions/plot ratios to encourage private owners/developers to achieve standards beyond the statutory requirements in the</p>	The Administration to take follow-up action as per paragraph 4 of the minutes



Time marker	Speaker	Subject(s)	Action required
		<p>design and provision of sanitary fitments in public places and office buildings, so as to better cater for the needs of female persons.</p> <p>Mr LEONG further enquired how the statutory requirements in respect of the provision of sanitary fitments in a private building would be applicable to cases where the building owner changed the originally approved use of the building, such as a sports venue, to other uses, say, a place for public entertainment.</p> <p>The Administration advised that the relevant department would assess whether the provision of sanitary fitments was in compliance with the statutory standards when considering the building owner's application for a licence to operate a place of public entertainment.</p>	
012248 - 012529	Chairman	<p>The Chairman directed that the meeting be extended for 15 minutes.</p> <p>Extension of scrutiny period</p> <p>Schedule of meetings and invitation of public views</p>	
012530 - 013211	Mr CHAN Chi-chuen Administration Chairman Dr Kenneth CHAN	<p>Mr CHAN Chi-chuen opined that the proposal to adopt a ratio of 1:1.5 for assessing the number of males to that of females for the provision of sanitary fitments in public places might not resolve the queuing problem in female toilets.</p> <p>Mr CHAN enquired --</p> <p>(a) whether a ratio of 1:1.5 had been adopted for assessing the number of males to that of females in most of the newly-completed premises/buildings in the last three years;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) whether, after the enactment of the proposed amendments, the Administration would revise its recommendation in the relevant Practice Note on the ratio of male to female persons in the assessment of populations for the provision of sanitary fitments in premises from 1:1.5 to a more realistic ratio; and</p> <p>(c) whether and under what circumstances the Administration would count the provision of unisex toilets in private buildings as provision of sanitary fitments for male or female persons for these premises.</p> <p>The Chairman requested the Administration to provide written responses to address Mr CHAN's enquiries.</p> <p>In response to Mr CHAN's further enquiry about the Administration's response to the proposal of some members to amend the ratio of 1:1.5 to say 1:2, the Administration advised that there might be legal implications in making such an amendment. The Chairman and Dr Kenneth CHAN requested the Administration to provide information on what those implications would be.</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>
013212 - 013515	Dr Kenneth CHAN	<p>Dr Kenneth CHAN and the Chairman requested the Administration to provide information on the legal status/binding effect of PNAP No. ADV-28, and how far the recommendations therein had been/would be adhered to.</p>	<p>The Administration to take follow-up action as per paragraph 4 of the minutes</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
013516 - 013633	Chairman	The Chairman requested the Administration to provide information on whether it would introduce legislation on the provision of sanitary fitments (such as waterclosets) inside male or female toilets suitable for the use of children.	The Administration to take follow-up action as per paragraph 4 of the minutes
013634 - 014140	Assistant Legal Adviser 10 ("ALA10")	<p>ALA10 requested the Administration to provide information on --</p> <p>(a) the basis and justifications for the Administration to state in its letter dated 26 October 2015 (LC Paper No. CB(1)71/15-16(01)) that (i) the Equal Opportunities Commission welcomed the introduction of the proposed amendments; and (ii) the Department of Justice had advised that enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of men, and hence should not give rise to allegations of gender discrimination;</p> <p>(b) whether and why the practice of temporarily allocating some of the male toilets/watercloset compartments in premises for the use of female persons, hence changing the ratio between the provision of male and female sanitary fitments in the premises, would be contravening the relevant statutory requirements regarding the provision of sanitary fitments in the premises; and</p> <p>(c) the consideration taken in determining the requirements/standards for the provision of sanitary fitments in a shopping arcade comprising restaurants.</p>	The Administration to take follow-up action as per paragraph 4 of the minutes

Council Business Division 1  
Legislative Council Secretariat  
10 November 2015