

**立法會**  
**Legislative Council**

LC Paper No. CB(1)366/15-16  
(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 third meeting held on  
Monday, 9 November 2015, at 9:00 am  
in Conference Room 2A 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 CHAN Hak-kan, JP  
Hon Alan LEONG Kah-kit, SC  
Hon Gary FAN Kwok-wai  
Hon MA Fung-kwok, SBS, JP  
Hon CHAN Chi-chuen  
Hon KWOK Wai-keung  
Hon TANG Ka-piu, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

**Members absent** : Hon Cyd HO Sau-lan, JP  
Dr Hon Kenneth CHAN Ka-lok  
Dr Hon Helena WONG Pik-wan  
Dr Hon Elizabeth QUAT, JP  
Hon Tony TSE Wai-chuen, BBS

**Public Officers attending : Agenda item I**

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 <sup>2</sup>  
Buildings Department

Ms Lisa CHU Yuen-man  
Senior Building Surveyor/Legislation  
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 Christina SHIU  
Legislative Assistant (1)<sup>2</sup>

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## **I Meeting with the Administration**

### Matters arising from the meeting on 3 November 2015

(LC Paper No. CB(1)128/15-16(01) -- List of follow-up actions arising from the discussion at the meeting on 3 November 2015

LC Paper No. CB(1)128/15-16(02) -- Administration's response to issues raised by members at the meeting on 3 November 2015)

### Section-by-section examination of the Amendment Regulations

(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

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)

### Other relevant papers previously issued

(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(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)
- 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)71/15-16(01) -- Administration's response to the letter from Assistant Legal Adviser dated 20 October 2015
- LC Paper No. CB(1)90/15-16(06) -- List of follow-up actions arising from the discussion at the meeting on 27 October 2015
- LC Paper No. CB(1)90/15-16(07) -- Administration's response to issues raised by members at the meeting on 27 October 2015
- LC Paper No. CB(1)90/15-16(08) -- Written questions of Hon Tony TSE Wai-chuen)

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

Follow-up actions

2. The Administration was requested to provide the following information:

Application of the proposed amendments

- (a) With respect to an existing premises used for a cinema, whether the proposed revised standards under the Building (Standards of

Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 ("L.N. 191") would be applicable to the premises after it underwent internal alteration and sub-division works, provided that such works did not involve an increase in the area for the premises or the seating capacity; if yes, the reasons and the details;

- (b) Whether an operator of a restaurant who had obtained a provisional or a full licence from the Food and Environmental Hygiene Department for the restaurant and had applied for providing a small area of "outside seating accommodation" ("OSA") for the purpose of outdoor dining at the restaurant's adjoining premises (for accommodating a few tables) (which might be regarded as an extension of the licensed premises) would be required to provide additional sanitary fitments in the restaurant in compliance with L.N. 191 for the sake of operating the OSA; if yes, the reasons and the details;
- (c) In the light of paragraphs 3 and 4 of LC Paper No. CB(1)128/15-16(02) and section 42 (in particular, section 42(1) and (4)) of the Buildings Ordinance (Cap.123), whether and how section 42 applied to alteration works that were referred to in the said paragraphs in case the new standards under L.N. 191 were applicable to such works;
- (d) The principles and circumstances under which the Buildings Department ("BD") would grant modification of or exemption from the provisions of Cap. 123 as mentioned in paragraph 4 of LC Paper No. CB(1)128/15-16(02), in particular, whether BD would invoke such power with respect to works to be undertaken in existing premises involving an extension of the area for the premise concerned; if yes, how the Administration would ensure that the grant of such modification or exemption would not compromise the objective of the proposed amendments, i.e. to enhance the standards for the provision of sanitary fitments in public places for the use of females;

Number of sanitary fitments to be provided in various types of buildings under L.N. 191

- (e) With respect to the Queuing Model of Operations Research adopted by the consultant --

- (i) How the required numbers of sanitary fitments provided in the Tables in L.N. 191 were calculated using the Model;
  - (ii) The calculation process to derive the required number of female watercloset fitments, that is, 6, in a cinema with a seating capacity of 500 (and the number of female persons being 300);
  - (iii) Assumptions, empirical data, factors and parameters adopted in the Model and the calculation; whether and how the durations of use of the toilet by males and females affected the calculation/results of the calculation;
  - (iv) The consultant's findings about the durations of use of the toilet by males and females in Hong Kong; and
- (f) The provisions of sanitary fitments in shopping arcades and department stores on the third floor and above under the extant statutory requirements and L.N. 191 (further to Table (I) in Annex A to LC Paper No. CB(1)90/15-16(07)).

*(Post-meeting note: The supplementary information provided by the Administration was circulated to members vide LC Paper No. CB(1)152/15-16(02) on 13 November 2015.)*

### Section-by-section examination of the two Amendment Regulations

3. The Subcommittee commenced section-by-section examination of the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 and the Building (Administration) (Amendment) (No. 2) Regulation 2015 ("the two Amendment Regulations").

4. The Chairman concluded that the Subcommittee had completed the section-by-section examination of the Chinese text of the two Amendment Regulations. The Legal Adviser to the Subcommittee was requested to examine the English text of the Amendment Regulations from a drafting point of view, and to bring up the issues on the English text (if any) for the Subcommittee's attention.

Legislative timetable

5. Members noted that the Chairman had moved a resolution at the Council meeting of 4 November 2015 to extend the scrutiny period of the two Amendment Regulations to 2 December 2015, and the deadline for giving notice of amendment to the two Amendment Regulations was 25 November 2015.

Arrangements for the next meeting

6. The Chairman advised that the next meeting would be held on Friday, 13 November 2015 at 10:45 am to discuss with the Administration the outstanding issues raised by members at the meeting.

*(Post-meeting note: The agenda for the meeting on 13 November 2015 was issued to members vide LC Paper No. CB(1)136/15-16 on 9 November 2015.)*

**II Any other business**

7. There being no other business, the meeting ended at 10:30 am.

**Proceedings of the third 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 Monday, 9 November 2015, at 9:00 am  
in Conference Room 2A of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Meeting with the Administration</b>			
000810-000938	Chairman	Opening remarks	
000939-002015	Administration	Briefing on the paper setting out the Administration's written response to the issues raised by members at the previous meeting ("the Administration's paper"), which was tabled at the meeting and issued to members vide LC Paper No. CB(1)128/15-16(02) on 9 November 2015.	
002016-002651	Mr Tommy CHEUNG Administration	<p>Mr Tommy CHEUNG enquired about the application of the amendments to an existing restaurant carrying out works which would cause a slight increase in the area for the restaurant. The Administration responded that in the case cited by Mr CHEUNG, the Buildings Departments ("BD") might give special consideration to whether it was reasonable to grant modification of or exemption from the relevant statutory requirements.</p> <p>Mr CHEUNG further enquired whether an operator of a restaurant who had obtained a provisional or a full licence from the Food and Environmental Hygiene Department ("FEHD") for the restaurant and had applied for providing a small area of "outside seating accommodation" ("OSA") for accommodating a few tables for the purpose of outdoor dining at the restaurant's adjoining premises, which might be regarded as an extension of the licensed premises, would be required to</p>	



Time marker	Speaker	Subject(s)	Action required
		<p>provide additional sanitary fitments in the restaurant in compliance with the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191) for the sake of operating the OSA.</p> <p>The Administration responded that it would consult FEHD, which was the authority for issuing restaurant licences, on the case mentioned by Mr CHEUNG and provide information after the meeting for members' consideration.</p>	<p>The Administration to take follow-up action as per paragraph 2 of the minutes</p>
002652-003309	Mr Gary FAN Administration	<p>Mr Gary FAN sought clarification on --</p> <p>(a) whether and how the durations of use of toilets by males and females had been taken into account in the proposed amendments; and</p> <p>(b) the changes in the numbers of watercloset fitments to be provided for male persons in different premises as a result of the proposed amendments.</p> <p>The Administration responded that --</p> <p>(a) the numbers of sanitary fitments required to be provided under the proposed amendments were deduced having considered the different needs of males and females and the consultant's recommendation. Given the same number of persons in a building, the number of watercloset fitments for females should be greater than that for males; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) Annex A to the Administration's response to issues raised by members at the meeting on 27 October 2015 (LC Paper No. CB(1)90/15-16(07)) set out the numbers of watercloset fitments required to be provided for males in various premises.</p>	
003310-003831	Mr MA Fung-kwok Administration	<p>Mr MA Fung-kwok referred to paragraph 6 of the Administration's paper which stated that in a place of public entertainment with 600 persons, the number of female watercloset fitments under the proposed amendments was 2.6 times that under the present standards, and opined that if such an enhancement was implemented in government-owned cultural venues, the female persons among the audience would not need to wait in a long queue before they could use the toilets.</p> <p>Mr MA enquired whether the Administration had taken into consideration the increasing demand for toilets by persons with disabilities in public places when making the proposed amendments; and whether the Administration would study the provision of sanitary facilities with a design that could meet the needs of persons with disabilities as well as the demand for unisex toilets.</p> <p>The Administration responded that the statutory requirements regarding the provision of facilities (including sanitary fitments for use by persons with disabilities) in buildings were under the purview of the Building (Planning) Regulation (Cap. 123F).</p>	
003832-005010	Mr Alan LEONG Chairman Assistant Legal Adviser 10 ("ALA10") Administration	Mr Alan LEONG questioned the principles and circumstances under which BD would grant modification of or exemption from the provisions of the Buildings Ordinance (Cap. 123) as referred to in paragraph 4 of the Administration's paper, and whether BD would invoke such power with respect to works to be	

Time marker	Speaker	Subject(s)	Action required
		<p>undertaken in existing premises involving an extension of the area for the premises concerned.</p> <p>In light of Mr LEONG's question, to facilitate ALA10 to address Mr LEONG's concern, ALA10 requested the Administration to clarify the legal provisions of Cap. 123 which provided the legal basis for BD to adopt the approach as referred to in paragraphs 3 and 4 of the Administration's paper.</p> <p>The Administration responded that --</p> <p>(a) pursuant to section 39(2) of Cap. 123, new regulations should apply to any building works which required submission of plans to BD for approval, e.g. major alteration/addition works, and the commencement of which had not been approved by BD;</p> <p>(b) in practice, in considering the application of the new standards on the alteration of an existing building, BD would take into account the scope and scale of the alteration works.</p>	
005011-005105	Mr MA Fung-kwok Administration Chairman	<p>In response to Mr MA Fung-kwok's enquiry on whether the proposed revised standards under L.N. 191 would be applicable to the existing premises used for a cinema after it underwent internal alteration and sub-division works, provided that such works did not involve an increase in the area for the premises or the seating capacity, the Administration advised in the affirmative.</p> <p>The Chairman requested the Administration to provide information in writing to address Mr MA's enquiry.</p>	The Administration to take follow-up

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			action as per paragraph 2 of the minutes
005106-010031	Chairman Administration Mr Alan LEONG	<p>The Chairman said that she had received a submission from the Association Concerning Sexual Violence (issued to members vide LC Paper No. CB(1)133/15-16(01) on 9 November 2015) which referred to, among others, the findings of a study that the ratio of the duration of use of the toilet by males to that by females in Taiwan and Britain was 1:2. She opined that, to address the concerns on whether the proposed revised standards for the provision of sanitary fitments could adequately cater for the needs of females, the Administration should make clear its findings about the durations of use of the toilet by males and females in Hong Kong, and how the findings had been taken into account in setting out the new requirements.</p> <p>The Administration responded that the new standards under the proposed amendments were developed based on the assessment in the consultant's study which included, among others, the use of the Queuing Model of Operations Research to derive the required increase in the number of sanitary fitments.</p> <p>The Chairman and Mr Alan LEONG requested the Administration to provide information with respect to the Queuing Model of Operations Research adopted by the consultant on --</p> <p>(a) how the required numbers of sanitary fitments provided in the Tables in L.N. 191 were calculated using the Model;</p> <p>(b) the calculation process to derive the required number of female watercloset</p>	The Administration to take follow-up action as per paragraph 2 of the minutes

Time marker	Speaker	Subject(s)	Action required
		<p>fitments, that is, 6, in a cinema with a seating capacity of 500;</p> <p>(c) assumptions, empirical data, factors and parameters adopted in the Model and the calculation; whether and how the durations of use of the toilet by males and females affected the calculation/results of the calculation; and</p> <p>(d) the consultant's findings about the durations of use of the toilet by males and females in Hong Kong.</p>	
010032-010451	Mr Alan LEONG Administration ALA10	<p>Mr Alan LEONG reiterated his concern on whether after the enactment of the proposed amendments, the relevant provisions of Cap. 123 could ensure that the pragmatic approach adopted by BD to scrutinizing alteration/addition works involving an extension of a building and the grant of modification of or exemption from the provisions of Cap. 123 (as referred to in paragraphs 3 and 4 of the Administration's paper respectively) would not compromise the objective of the proposed amendments, that is, to enhance the standards for the provision of sanitary fitments in public places for use of females. He sought the advice of ALA10 in this regard.</p> <p>ALA10 advised that the Subcommittee might consider whether section 42 of Cap. 123, in particular section 42(1) and (4), which was about the Building Authority's powers of exemption, could provide a legal basis for the Building Authority to adopt a pragmatic approach to scrutinizing alteration/addition works.</p> <p>Mr LEONG requested the Administration to provide written information to address his concern.</p>	The Administration to

Time marker	Speaker	Subject(s)	Action required
			take follow-up action as per paragraph 2 of the minutes
010452-010941	Mr Gary FAN Administration Chairman	<p>Mr Gary FAN opined that --</p> <p>(a) it was important for the Administration to make it clear how the proposed revised standards for the provision of sanitary fitments were formulated based on the durations of use of the toilet by females; and</p> <p>(b) although the number of female watercloset fitments in a place of public entertainment under the proposed revised standards was 2.6 times that under the existing standards (paragraph 5 of the Administration's paper), the proposed amendments had not made the same increase in the number of female sanitary fitments in some types of premises such as shopping arcades and department stores (basement, ground floor, first and second floors) with an area of 500 square metres.</p> <p>Mr Gary FAN and the Chairman requested the Administration to provide, further to Table (I) in Annex A to LC Paper No. CB(1)90/15-16(07), information on the provisions of sanitary fitments in shopping arcades and department stores on the third floor and above under the extant statutory requirements and L.N. 191.</p>	The Administration to take follow-up action as per paragraph 2 of the minutes

Time marker	Speaker	Subject(s)	Action required
010942-011049	ALA10 Chairman	ALA10 requested the Administration to provide information on whether and how section 42 of Cap. 123 applied to alteration works that were referred to in paragraphs 3 and 4 of the Administration's paper in case the new standards under L.N. 191 were applicable to such works.	The Administration to take follow-up action as per paragraph 2 of the minutes
<u>Section-by-section examination of L.N. 191 and L.N. 192 of 2015</u>			
011050-012914	Chairman Administration	<p><u>Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191 of 2015) [CB(1)53/15-16(01)]</u></p> <p><i>Section 1 -- Commencement</i></p> <p><i>Section 2 -- Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations amended</i></p> <p><i>Section 3 -- Regulation 2 amended (interpretation)</i></p> <p><i>Section 4 -- Regulation 3 amended (interpretation of Part II)</i></p> <p><i>Section 5 -- Regulation 4 amended (residential buildings)</i></p> <p><i>Section 6 -- Regulation 5 amended (offices, industrial undertakings and other places of work)</i></p> <p><i>Section 7 -- Regulation 6 amended (places of public entertainment)</i></p> <p><i>Section 8 -- Regulation 6A added</i></p> <p><i>Section 9 -- Regulation 7 amended (cinemas)</i></p> <p><i>Section 10 -- Regulation 7A, 7B and 7C added</i></p> <p><i>Section 11 -- Regulation 8 amended (restaurants)</i></p>	

Time marker	Speaker	Subject(s)	Action required
		<p><i>Section 12 -- Regulation 9 amended (where soil fitments prohibited latrine fitments, etc. to be provided in lieu thereof, etc.)</i></p> <p><i>Section 13 -- Regulation 10 repealed (sanitary fitments for persons employed in residential buildings, etc.)</i></p> <p><i>Section 14 -- Regulation 48 amended (fall of drains)</i></p> <p><u>Building (Administration) (Amendment) (No. 2) Regulation 2015 (L.N. 192 of 2015)</u> [CB(1)53/15-16(02)]</p> <p><i>Section 1 -- Commencement</i></p> <p><i>Section 2 – Building (Administration) Regulations amended</i></p> <p><i>Section 3 – Regulation 8 amended (prescribed plans in respect of building works)</i></p> <p>The Administration's briefing on the above sections</p> <p>Members raised no queries.</p> <p>The Administration confirmed that it would not propose any amendments to the two Amendment Regulations.</p>	
012915-013012	Chairman	<p>Legislative timetable</p> <p>Arrangements for the next meeting</p>	