

**立法會**  
**Legislative Council**

LC Paper No. CB(1)367/15-16  
(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 fourth meeting held on  
Friday, 13 November 2015, at 10:45 am  
in Conference Room 2B 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  
Dr Hon Helena WONG Pik-wan  
Hon TANG Ka-piu, JP  
Hon Tony TSE Wai-chuen, BBS
- Members absent** : Hon CHAN Hak-kan, JP  
Hon KWOK Wai-keung  
Dr Hon Elizabeth QUAT, JP  
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

**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 9 November 2015

- (LC Paper No. CB(1)152/15-16(01) -- List of follow-up actions arising from the discussion at the meeting on 9 November 2015
- LC Paper No. CB(1)152/15-16(02) -- Administration's response to issues raised by members at the meeting on 9 November 2015)

Other relevant papers previously issued

- (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(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
- 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)

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

2. Mr Abraham SHEK declared that he was a non-executive director of the MTR Corporation Limited ("MTRCL").

Follow-up actions

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

Standards for the provision of male and female sanitary fitments

- (a) A comparison between the numbers of waterclosets for the use of females in different categories of buildings of various sizes prescribed in Cap. 123I ("the extant Regulations") and those prescribed in the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191)("the Amendment Regulation");
- (b) Details on the standards/requirements for the provision of male and female sanitary fitments adopted by modern cities in other comparable jurisdictions in different types of premises/buildings, including but not limited to --
  - (i) the ratios of the number of waterclosets and urinals for the use of males to the number of waterclosets for the use of females adopted by these cities/countries;
  - (ii) how these standards/requirements/ratios were comparable to those set out in the Amendment Regulation;
  - (iii) whether these jurisdictions had taken into account the ratio of the number of males to that of females in premises/buildings when working out the aforesaid standards/requirements; if yes, the details including the ratios adopted by these jurisdictions, etc.;

MTR stations

- (c) The reasons for not including MTR stations as a category of buildings under the Amendment Regulation, and why the building plans of MTR stations were not required to be approved by the Building Authority;

Government buildings and public facilities

- (d) Given that the Amendment Regulation did not apply to government

premises, whether and how far the new/existing buildings/facilities which were open to the public and under the purview of the Transport and Housing Bureau (facilities provided by MTRCL, public piers, etc.), the Food and Health Bureau (hospitals, public markets, etc.), the Education Bureau (schools, etc.), and the Leisure and Cultural Services Department (cultural and performance venues, libraries, etc.), or designed by the Architectural Services Department, would --

- (i) follow the new standards for the provision of sanitary fitments under the Amendment Regulation; and
- (ii) provide babycare facilities, sanitary fitments suitable for the use of children, and unisex toilets;

if they would, the details (such as the timetable for actions); if no, the reasons;

- (e) Whether and how the Administration would put in place measures/mechanisms to ensure that the bureaux/departments/organizations referred to in paragraph (d) would enhance the provision of sanitary fitments to meet the new standards prescribed in the Amendment Regulation;

#### Restaurants

- (f) After the Amendment Regulation came into operation, whether the Food and Environmental Hygiene Department would require a restaurant owner/operator applying for providing a small area of "outside seating accommodation" for the purpose of outdoor dining at the restaurant's adjoining premises (which might be regarded as an extension of the licensed premises) to provide additional sanitary fitments, if the total area of the restaurant (the indoor part and the outdoor part) exceeded or slightly exceeded a certain threshold level; and

#### Exclusion from plot ratio calculation

- (g) Whether the Administration would consider excluding the floor area used for providing sanitary fitments required under the Amendment Regulation from being counted in the plot ratio of a building; 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)162/15-16(02) on 18 November 2015.)*

Arrangements for the next meeting

4. The Chairman advised that the next meeting originally scheduled for Monday, 16 November 2015 would be rescheduled to another date. Members would be informed of the meeting arrangements.

*(Post-meeting note: At the instruction of the Chairman, the next meeting was held on Wednesday, 18 November 2015, from 9:00 am to 10:30 am. The agenda for the meeting was issued to members vide LC Paper No. CB(1)157/15-16 on 13 November 2015.)*

**II Any other business**

5. There being no other business, the meeting ended at 12:32 pm.

Council Business Division 1  
Legislative Council Secretariat  
28 December 2015

**Proceedings of the fourth 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 Friday, 13 November 2015, at 10:45 am  
in Conference Room 2B of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
<b>Agenda Item I – Meeting with the Administration</b>			
000531-000644	Chairman	Opening remarks	
000645-001513	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)152/15-16(02) on 13 November 2015	
001514-001814	Mr Tommy CHEUNG Administration	<p>Mr Tommy CHEUNG enquired whether after the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191)("the Amendment Regulation") came into operation, the Food and Environmental Hygiene Department ("FEHD") would require a restaurant owner/operator applying for providing a small area of "outside seating accommodation" for the purpose of outdoor dining at the restaurant's adjoining premises, which might be regarded as an extension of the licensed premises, to provide additional sanitary fitments, if the total area of the restaurant exceeded or slightly exceeded a certain threshold level.</p> <p>The Administration responded that it would consult FEHD on the case mentioned by Mr CHEUNG and provide information after the meeting for members' consideration.</p>	The Administration to take follow-up action as per



Time marker	Speaker	Subject(s)	Action required
			paragraph 3 of the minutes
001815-002800	Mr Tony TSE Administration	<p>Mr Tony TSE opined that to facilitate the building professionals' understanding of the types of alteration and addition works that the new standards would not be applicable and to save the time and efforts of both the building industry and the Buildings Department ("BD") from making/processing the applications for exemptions, BD should promulgate a list of exempted works for the information of the industry.</p> <p>The Administration responded that upon the commencement of operation of the Amendment Regulation, BD would issue a circular letter to give sufficient information about the types of alteration and addition works that the new standards of sanitary fitments would not be applicable.</p> <p>Mr TSE enquired whether the Administration would adopt the term "usable floor area" in other pieces of legislation in future. The Administration responded that the term would be used consistently, where appropriate, in the future updating of the Buildings Ordinance ("BO") and the Building Regulations under BO.</p>	
002801-003247	Dr Helena WONG Administration	<p>Dr Helena WONG enquired whether the Administration would introduce statutory requirements for providing unisex toilets in public places. The Administration responded that the consultancy study commissioned by BD had recommended that in-depth studies on the subject would be required; and BD had updated the relevant Practice Note to encourage the building industry to provide unisex toilets in public places.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr WONG opined that practice notes had no legal binding effect, and enquired how far the recommendations in practice notes had been adhered to. In response, the Administration advised on the percentage of new building projects which had adopted a higher standard for the provision of sanitary fitments than the statutory requirements.</p>	
<p>003248 003850</p>	<p>Dr Helena WONG Mr CHAN Chi-chuen Administration</p>	<p>Mr CHAN Chi-chuen reiterated his view expressed at previous meetings that the Administration should take the lead to provide unisex toilets in government buildings. The Administration responded that Mr CHAN's view would be conveyed to relevant government departments for consideration.</p> <p>Dr Helena WONG and Mr CHAN Chi-chuen enquired about the applicability of the new standards to the provision of sanitary fitments in existing premises such as piers. The Administration responded that the amendments were not applicable to government buildings including public piers.</p> <p>In response to Mr CHAN's enquiry about the legislation that regulated the provision of sanitary fitments in MTR stations, the Administration advised that although the Amendment Regulation did not cover railway stations, MTR Corporation Limited ("MTRCL") would, where feasible, provide toilets in MTR stations for passengers in accordance with railway operational and passengers' needs.</p>	
<p>003851- 004849</p>	<p>Dr Helena WONG Administration</p>	<p>In response to Dr Helena WONG's enquiry on whether the Administration would enhance the ratio of the number of males to that of females in premises/buildings to, say 1:2, the Administration advised on the justifications that supported the ratio of 1:1.5.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr WONG requested the Administration to provide information on whether modern cities in other comparable jurisdictions had taken into account the ratio of the number of males to that of females in premises/buildings when working out the standards for the provision of sanitary fitments in different types of premises/buildings; and the ratios adopted by these jurisdictions.</p> <p>Referring to Table (I) in Annex A of the Administration's paper, Dr WONG pointed out that while in a shopping arcade of 500 m<sup>2</sup>, the ratio of male to female waterclosets would be 1:3 under the Amendment Regulation, the ratio of male to female sanitary fitments (including the urinals for male users) would only be 1:1.5. She opined that the latter ratio showed no improvement in the provision of sanitary fitments for females.</p> <p>The Administration responded that the example quoted by Dr WONG showed a case where the area of the premises was small, and in most other cases, the ratios of male to female sanitary fitments (including urinals) were 1:1.8, 1:2, etc.</p> <p>Dr WONG remarked that she might propose amendments to the Amendment Regulation.</p>	<p>The Administration to take follow-up action as per paragraph 3 of the minutes</p>
004850-005446	Mr Gary FAN Administration	<p>Taking in view that passengers might need to take relatively long journeys on a MTR train and it was technically practicable for MTRCL to construct toilets in new MTR stations, Mr Gary FAN opined that the Amendment Regulation should set out standards for the provision of sanitary fitments in MTR stations.</p> <p>The Administration responded that --</p> <p>(a) the building plans of MTR stations were not required to be approved by the</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Building Authority; and</p> <p>(b) Mr FAN's views would be conveyed to the Transport and Housing Bureau ("THB") for consideration.</p>	
005447-011459	<p>Chairman Mr Abraham SHEK Administration Dr Helena WONG</p>	<p>Mr Abraham SHEK declared that he was a non-executive director of MTRCL, and opined that --</p> <p>(a) there had been difficulties for the former Kowloon-Canton Railway Corporation to prevent the toilets provided in train compartments from clogging caused by garbage thrown into the toilets;</p> <p>(b) it might not be appropriate to make legislation to regulate the number of sanitary fittings that should be provided in railway stations, in view of the special nature of the railway; and</p> <p>(c) the Administration should work out the standards for the provision of female sanitary fittings in premises based on the demand for such facilities in Hong Kong, instead of following the standards adopted overseas and the recommendations of the consultancy report indiscriminately.</p> <p>Dr Helena WONG opined that the amendments should ensure equity of treatment for male and female toilet users and that females did not need to wait in long queues for the use of toilets.</p> <p>The Administration responded that --</p> <p>(a) in formulating the proposed new standards, the Administration had taken into account not only the result of a consultancy study and the ratios adopted overseas of male to female persons anticipated in certain</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>premises, but also other factors such as the gender ratio of the local population, practical difficulties of premises owners/operators in complying with the relevant requirements; and</p> <p>(b) in working out the amendments to cater for public aspirations for more female sanitary fitments in public places, the Administration had taken into account the need of ensuring that the access to sanitary facilities enjoyed by both male and female users would be similar.</p> <p>Mr SHEK enquired whether the Administration would consider excluding the floor area used for providing sanitary fitments required under the Amendment Regulation from being counted in the plot ratio of a building. The Chairman requested the Administration to provide information to address Mr SHEK's enquiry.</p> <p>Dr WONG requested the Administration to provide information on the standards/requirements for the provision of male and female sanitary fitments adopted by modern cities in other comparable jurisdictions in different types of premises/buildings, including the ratios of the number of waterclosets and urinals for the use of males to the number of waterclosets for the use of females adopted by these cities/countries; and how these standards/requirements/ratios were comparable to those set out in the Amendment Regulation.</p>	<p>The Administration to take follow-up action as per paragraph 3 of the minutes</p>
011500-014855	<p>Ms Cyd HO Dr Helena WONG Mr Gary FAN Chairman Administration Clerk Subcommittee</p> <p style="text-align: right;">to</p>	<p>Ms Cyd HO remarked that it was advisable for the Subcommittee to discuss any amendment to the Amendment Regulation proposed by members before they were moved at the relevant Council meeting.</p>	

Time marker	Speaker	Subject(s)	Action required
	Mr TANG Ka-piu	<p>Discussion on the application of Cap. 123 and the Amendment Regulation to the sanitary fitments provided by public transport operators and at buildings belonging to the Government ("government premises")</p> <p>The Chairman and Mr Gary FAN requested the Administration to provide information on the reasons for not including MTR stations as a category of buildings under the Amendment Regulation, and why the building plans of MTR stations were not required to be approved by the Building Authority.</p> <p>Dr Helena WONG requested that, given that the Amendment Regulation did not apply to government premises, the Administration should provide information on whether and how the Administration would put in place measures/mechanisms to ensure that the relevant bureaux/departments and organizations would enhance the provision of sanitary fitments in government premises to meet the new standards prescribed in the Amendment Regulation.</p> <p>Ms Cyd HO said that the Women's Commission should actively follow up the improvement of provision of sanitary fitments for female users in government premises as part of its work in promoting gender mainstreaming.</p> <p>Ms HO further suggested that the relevant bureau secretary should give an undertaking in the speech addressing the Legislative Council on the Amendment Regulation that the Administration would improve the provision of sanitary fitments in existing government premises in accordance with the standards set out in the Amendment Regulation when they underwent major alteration and addition works in future, and new government buildings</p>	<p>The Administration to take follow-up action as per paragraph 3 of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>would follow or exceed the new standards. The Administration responded that the suggestion would be considered.</p> <p>Dr Helena WONG said that relevant bureaux/departments and organizations should be invited to attend a meeting to respond to members' requests for enhancing the standards for the provision of sanitary fitments in the premises/buildings which were open to the public and under their purview.</p> <p>Discussion on the possible dates for holding the meeting suggested by Dr WONG and the bureaux/departments and organizations to be invited to attend the meeting</p> <p>The Chairman suggested and members agreed that --</p> <p>(a) the Administration would provide written information on whether and how far the new/existing buildings/facilities which were open to the public and under the purview of THB, the Food and Health Bureau ("FHB"), the Education Bureau ("EB"), and the Leisure and Cultural Services Department, or designed by the Architectural Services Department ("ArchSD"), would follow the new standards for the provision of sanitary fitments under the Amendment Regulation, and provide babycare facilities, sanitary fitments suitable for the use of children as well as unisex toilets.</p> <p>(b) the Subcommittee would reschedule the next meeting originally scheduled for 16 November 2015 to a date to be worked out by the Chairman and the Clerk; and the Administration would coordinate the attendance of representatives from THB, FHB, EB, ArchSD and the Hospital</p>	<p>The Administration to take follow-up action as per paragraph 3 of the minutes</p>

<b>Time marker</b>	<b>Speaker</b>	<b>Subject(s)</b>	<b>Action required</b>
		Authority for the next meeting; and  (c) any amendment to the Amendment Regulation proposed by members should be provided to the Clerk and discussed at the next meeting.	

Council Business Division 1  
Legislative Council Secretariat  
28 December 2015