



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : DEVB(PL-B) 30/30/98
本函檔號 OUR REF : LS/S/1/15-16
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By Fax (2899 2916)

20 October 2015

Mr Arsene YIU
Principal Assistant Secretary (Planning and Lands) 3
Development Bureau
17/F, West Wing
Central Government Offices
2 Tim Mei Avenue
Tamar
Hong Kong

Dear Mr YIU,

Building (Standards of Sanitary Fittings, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (L.N. 191)

Building (Administration) (Amendment) (No. 2) Regulation 2015 (L.N. 192)

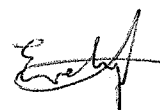
I am scrutinizing the captioned Regulations with a view to advising Members on their legal and drafting aspects and would like to seek the following information or clarification:-

- (a) Paragraph 7 of the Legislative Council (LegCo) Brief (File Ref: DEVB(PL-B) 30/30/98) issued by the Development Bureau in October 2015 states that the Amendment Regulation (L.N. 191) will align the provision of sanitary fittings in restaurants with the licensing requirements stipulated by the Food and Environmental Hygiene Department. Please provide the following information to Members:-
- (i) details of the relevant licensing requirements; and
 - (ii) details on how L.N. 191 aligns with the relevant requirements.

- (b) It is noted that paragraph 13 of the LegCo Brief refers to the gender implications of L.N. 191 and L.N. 192. It seems that the Administration, having taken certain factors into account, is of the view that the amendments in L.N. 191 and L.N. 192 "would not result in discrimination against men or women". Please clarify:-
- (i) the legal basis or justification(s) for the Administration's view that L.N. 191 and L.N. 192 would not result in discrimination against men or women; and
 - (ii) whether the view of the Equal Opportunities Commission on L.N. 191 and L.N. 192 has been sought.
- (c) On 5 January 2015, the Administration briefed the Panel on Development on the amendments in L.N. 191 and L.N. 192. The Administration explained to members that the amendments would only be applicable to new buildings or to existing buildings which underwent major alteration or additional works. The Administration also confirmed that the enhanced standards for the provision of sanitary fitments would only be applicable to new restaurant licence applications. Please let Members know how the above-mentioned application of the amendments is reflected in the provisions of L.N. 191 and L.N. 192 (and/or in any other Ordinance or subsidiary legislation).

Please let us have your reply in both the Chinese and English languages by **26 October 2015**.

Yours sincerely,



(Evelyn LEE)
Assistant Legal Adviser

c.c. Legal Adviser
Senior Assistant Legal Adviser 1
Clerk to Subcommittee