

# 立法會 *Legislative Council*

LC Paper No. CB(1)53/15-16(04)

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

### **Background brief prepared by the Legislative Council Secretariat**

#### **Purpose**

This paper provides background information on 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 ("L.N. 192") (collectively "the Amendment Regulations") which update the standards for the provision of sanitary fitments in private buildings. It also summarizes the views and concerns expressed by Members on matters relating to the Amendment Regulations at the meetings of the Legislative Council ("LegCo") and the Development Panel ("DEV Panel").

#### **Background**

2. Enacted in 1959, the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations ("the Regulations") (Cap. 123I) prescribe the minimum standards for the provision of sanitary fitments, plumbing and drainage works in private buildings. According to the Administration<sup>1</sup>, the existing Regulations have become outdated and inflexible to cater for the advancement in building technology, therefore the Buildings Department ("BD") has conducted a comprehensive review on the Regulations and proposed to make substantial amendments to the Regulations.

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<sup>1</sup> Source: LC Paper No. CB(1)1116/11-12(09)  
(<http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-9-e.pdf>)

3. In view of the complexity of the amendment exercise and public aspirations for early enhancement of the statutory standards for the provision of female sanitary fitments in public places, the Administration has decided to adopt a two-stage approach in taking forward the amendment exercise. At the first stage, the Regulations will be amended to enhance the standards for the provision of sanitary fitments in public places, whereas other amendments (e.g. enhancement of the requirements on the construction of the drainage system, transformation of the prescriptive requirements into performance-based requirements, etc.) will be dealt with at the second stage<sup>2</sup>.

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

4. According to the Legislative Council Brief on the Amendment Regulations (File Ref. DEVB(PL-B) 30/30/98), L.N. 191 covers the first-stage amendments and includes the following changes --

- (a) updating the requirements on the numbers and standards of sanitary fitments in respect of the regulated buildings by changing the ratio of male to female persons or threshold levels that are adopted in respect of these buildings;
- (b) adding four new types of buildings (i.e. sports stadia, shopping arcades and department stores, religious institutions and funeral parlours) and prescribing the requirements on the numbers and the standards of sanitary fitments in these buildings;
- (c) replacing the type of buildings which is considered as "offices, industrial undertakings and other places of work" by "workplace", which is defined to include, among other things, a shop that is neither within a shopping arcade nor a department store and a food room of a restaurant; and
- (d) amending certain definitions, including the substitution of the definition of "usable floor space" with "usable floor area".

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<sup>2</sup> Source: LC Paper No. CB(1)253/14-15(01)  
(<http://www.legco.gov.hk/yr14-15/english/panels/dev/papers/devcb1-253-1-e.pdf>)

5. Consequential to the amendments made by L.N.191, L.N. 192 was introduced to amend regulation 8(1)(k)(i) of the Building (Administration) Regulations (Cap. 123A) by replacing "usable floor space" with "usable floor area".

6. The Amendment Regulations were gazetted on 9 October 2015 and tabled before LegCo at its meeting of 14 October 2015 for negative vetting. They will come into operation on 14 December 2015.

### **Deliberations at the meetings of the Legislative Council and the Development Panel on the proposed legislative amendments**

7. The Administration briefed DEV Panel on 28 February 2012 and 5 January 2015 on the proposed amendments to the Regulations. Members also raised a number of questions concerning the subject at Council meetings. The major views expressed by Members on the subject are summarized in the ensuing paragraphs.

#### Standards for the provision of male and female sanitary fitments in public places

8. Members generally agreed that the Administration should amend the Regulations as early as practicable to alleviate the inadequate provision of female sanitary fitments in public places. Some Members enquired about the rationale for increasing the male to female ratio from the present 1:1 to the proposed 1:1.5 for assessing the number of male to female in public places.

9. The Administration explained that given the complexity of the amendment exercise, adequate lead-time would be required for the work. In the meantime, BD had updated the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ("Practice Note") in November 2012 to promote an early and voluntary implementation of the enhanced standards for the provision of female sanitary fitments in public places. On the male to female ratio, the Administration advised that under the current Regulations, the provision of male and female sanitary fitments in public places was based generally on the assessed numbers of male and female in these places. Taking into account the results of the consultancy study to review the Regulations commissioned by BD, the Administration proposed that the male to female ratio be revised to 1:1.5. The numbers of male and female sanitary

fitments to be provided in public places under the proposed legislative amendments would be worked out based on this ratio. At the request of DEV Panel, the Administration provided in November 2012 a comparison table (in **Appendix I**) showing the differences between the existing statutory requirements and proposed standards for the provision of sanitary fitments in cinemas, theatres, shopping centres, department stores and places of public entertainment.

10. Some Members expressed concern on whether the proposed increase in the provision of female sanitary fitments would constitute discrimination against males. Some opined that the Administration should only increase the number of female sanitary fitments under the premise that the number of male sanitary fitments would not be reduced.

11. The Administration advised that, after careful examination of the proposed legislative amendments and the relevant justifications, the Department of Justice had concluded that the proposed enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of males, hence the amendments should not give rise to allegations of gender discrimination<sup>3</sup>. The Administration also advised that the results of the consultancy study commissioned by BD indicated that a mild reduction in the number of male sanitary fitments in public places should not have significant impact on male toilet users.

#### Impact of the proposed legislative amendments on restaurant operators and existing buildings

12. Some Members were concerned that it might be difficult for some restaurants, especially the small ones, to meet the enhanced standards for the provision of sanitary fitments.

13. The Administration advised that the Food and Environmental Hygiene Department and the relevant industry had been consulted on the proposed amendments. The enhanced standards would only be applicable to new restaurant licence applications, while the existing restaurants would be subject to the current standards when renewing their licences.

14. Some Members enquired about the impact of the implementation of the proposed amendments on owners of existing buildings. Some held the view that the Administration should carry out improvement works in

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<sup>3</sup> Source: LC Paper No. CB(1)200/12-13(01)  
(<http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-200-1-e.pdf>)

existing government buildings to make the provision of sanitary fitments in full compliance with the proposed enhanced standards.

15. The Administration advised that the proposed legislative amendments would only be applicable to new buildings or to existing buildings which underwent major alteration or addition works. Regarding government buildings, generally the design and construction of new government buildings would take into account the latest requirements of building standards as stipulated in the Buildings Ordinance (Cap. 123) or the relevant Practice Note issued by BD. However, for existing government buildings, due to physical and other constraints, it might not be possible to carry out improvement works for meeting the enhanced standards.

### **Latest development**

16. At the House Committee meeting held on 16 October 2015, members agreed that a subcommittee should be formed to examine the Amendment Regulations.

### **Relevant papers**

17. A list of relevant papers with their hyperlinks is in **Appendix II**.

## Appendix I

### Comparison of the Numbers of Sanitary Fitments prescribed in the existing Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations and those proposed in the Amendment Regulations<sup>1</sup>

#### (A) Shopping Centres and Department Stores (Basement, G/F, 1/F and 2/F)

Example Area (m <sup>2</sup> )	Number of Sanitary Fitments ("SF") prescribed in the existing Regulations				Number of SF proposed in the Amendment Regulations				Increase/Decrease in Provision of SF (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulations
		No. of Persons <sup>2</sup>	No. of Water Closets	No. of Urinals		No. of Persons <sup>3</sup>	No. of Water Closets	No. of Urinals	Male	Female	
500	M	17	1	1	M	67	1	1	0%		1:1.5
	F	17	2		F	100	3			+50%	
1 500	M	50	2	1	M	200	2	1	0%		1:2
	F	50	3		F	300	6			+100%	
2 500	M	83	4	2	M	333	3	2	-17%		1:1.6
	F	83	5		F	500	8			+60%	
3 500	M	117	5	3	M	467	4	2	-25%		1:1.8
	F	117	6		F	700	11			+83%	
5 000	M	167	6	4	M	667	5	3	-20%		1:1.8
	F	167	8		F	1 000	14			+75%	
30 000	M	1 000	22	20	M	4 000	18	16	-19%		1:2.1
	F	1 000	41		F	6 000	71			+73%	

<sup>1</sup> Source: Annex to LC Paper No. CB(1)200/12-13(01)

<sup>2</sup> The population of the premises is assessed by a factor of 15 square metres/person and the ratio of male to female is 1:1.

<sup>3</sup> The population of the premises is assessed by a factor of 3 square metres/person and the ratio of male to female is 1:1.5.

**(B) Cinemas**

Example  Seating Capacity	Number of Sanitary Fitments ("SF") prescribed in the existing Regulations			Number of SF proposed in the Amendment Regulations			Increase/ Decrease in Provision of SF (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulations		
		No. of Persons <sup>4</sup>	No. of Water Closets	No. of Urinals		No. of Persons <sup>5</sup>	No. of Water Closets	No. of Urinals		Male	Female
250	M	125	1	2	M	100	1	1	-33%		1:2
	F	125	2		F	150	4			+100%	
350	M	175	1	2	M	140	1	2	0%		1:1.7
	F	175	2		F	210	5			+150%	
500	M	250	2	3	M	200	1	2	-40%		1:2
	F	250	2		F	300	6			+200%	
600	M	300	2	3	M	240	2	3	0%		1:1.4
	F	300	3		F	360	7			+133%	
750	M	375	2	4	M	300	2	3	-17%		1:1.6
	F	375	3		F	450	8			+167%	
1 000	M	500	2	5	M	400	2	4	-14%		1:1.5
	F	500	3		F	600	9			+200%	

<sup>4</sup> The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.

<sup>5</sup> The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.

***(C) Places of Public Entertainment***

Example Seating Capacity	Number of Sanitary Fitments (SF) prescribed in the existing Regulations			Number of SF proposed in the Amendment Regulations				Increase/ Decrease in Provision of SF (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulations	
		No. of Persons <sup>6</sup>	No. of Water Closets	No. of Urinals		No. of Persons <sup>7</sup>	No. of Water Closets	No. of Urinals	Male		Female
200	M	100	1	2	M	80	1	2	0%		1:2
	F	100	2		F	120	6			+200%	
600	M	300	3	6	M	240	3	5	-11%		1:1.6
	F	300	5		F	360	13			+160%	
1 000	M	500	5	10	M	400	4	8	-20%		1:1.6
	F	500	7		F	600	19			+171%	
2 000	M	1 000	7	20	M	800	6	16	-19%		1:1.5
	F	1 000	12		F	1 200	34			+183%	
3 000	M	1 500	9	30	M	1 200	8	24	-18%		1:1.5
	F	1 500	17		F	1 800	49			+188%	
10 000	M	5 000	23	100	M	4 000	19	80	-20%		1:1.6
	F	5 000	52		F	6 000	154			+196%	

<sup>6</sup> The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.

<sup>7</sup> The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.



## Appendix II

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

#### List of relevant papers

Council/Committee	Date of meeting	Paper
Council meeting	2 March 2011	Hansard -- written question (No. 10) on "Provision of Gender-sensitive Facilities in Public Toilets" (p. 6157 - 6158) <a href="http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0302-translate-e.pdf">http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0302-translate-e.pdf</a>
Council meeting	8 June 2011	Hansard -- written question (No. 19) on "Provision of Female Toilets in Public Places" (p. 11607 - 11609) <a href="http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0608-translate-e.pdf">http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0608-translate-e.pdf</a>
Panel on Development	28 February 2012	Administration's paper on "Proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap 123I" [LC Paper No. CB(1)1116/11-12(09)] <a href="http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-9-e.pdf">http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-9-e.pdf</a>  Administration's paper on "Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" [LC Paper No. CB(1)200/12-13(01)] <a href="http://www.legco.gov.hk/yr11-12/en">http://www.legco.gov.hk/yr11-12/en</a>

Council/Committee	Date of meeting	Paper
		<p><a href="http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-200-1-e.pdf">glish/panels/dev/papers/dev0228cb1-200-1-e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(1)1874/11-12]  <a href="http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20120228.pdf">http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20120228.pdf</a></p>
Council meeting	7 November 2012	<p>Hansard -- oral question (No. 5) on "Toilets in Public Places" (p. 1420 - 1430)  <a href="http://www.legco.gov.hk/yr12-13/english/counmtg/hansard/cm1107-translate-e.pdf">http://www.legco.gov.hk/yr12-13/english/counmtg/hansard/cm1107-translate-e.pdf</a></p>
Panel on Development	5 January 2015	<p>Administration's paper on "Progress Update of the Proposed Amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" [LC Paper No. CB(1)253/14-15(01)]  <a href="http://www.legco.gov.hk/yr14-15/english/panels/dev/papers/devcb1-253-1-e.pdf">http://www.legco.gov.hk/yr14-15/english/panels/dev/papers/devcb1-253-1-e.pdf</a></p> <p>Minutes of meeting [LC Paper No. CB(1)626/14-15]  <a href="http://www.legco.gov.hk/yr14-15/english/panels/dev/minutes/dev20150105.pdf">http://www.legco.gov.hk/yr14-15/english/panels/dev/minutes/dev20150105.pdf</a></p>
Council meeting	17 June 2015	<p>Hansard -- oral question (No. 2) on "Sanitary Fitments in Public Places" (p. 13117 - 13127)  <a href="http://www.legco.gov.hk/yr14-15/english/counmtg/hansard/cm20150617-translate-e.pdf">http://www.legco.gov.hk/yr14-15/english/counmtg/hansard/cm20150617-translate-e.pdf</a></p>

Council/Committee	Date of meeting	Paper
Council meeting	14 October 2015	<p>Legislative Council Brief on "Building Ordinance (Cap. 123) Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 Building (Administration) (Amendment) (No. 2) Regulation 2015 [File Ref. DEVB(PL-B) 30/30/98]</p> <p><a href="http://www.legco.gov.hk/yr15-16/english/subleg/brief/2015ln191_192_brief.pdf">http://www.legco.gov.hk/yr15-16/english/subleg/brief/2015ln191_192_brief.pdf</a></p> <p>Legal Service Division Report on Subsidiary Legislation Gazetted on 9 October 2015 [LC Paper No. LS2/15-16]</p> <p><a href="http://www.legco.gov.hk/yr15-16/english/hc/papers/hc20151016ls-2-e.pdf">http://www.legco.gov.hk/yr15-16/english/hc/papers/hc20151016ls-2-e.pdf</a></p>