

政府總部
發展局
規劃地政科

香港添馬添美道二號
政府總部



CB(1)71/15-16(01)
Planning and Lands Branch
Development Bureau
Government Secretariat

Central Government Offices,
2 Tim Mei Avenue,
Tamar, Hong Kong.

本局檔號 Our Ref. DEVB(PL-B) 30/30/98
來函檔號 Your Ref. LS/S/1/15-16

電話 Tel.: 3509 8806
傳真 Fax: 2899 2916

By Fax (2877 5029)

26 October 2015

Ms Evelyn LEE
Assistant Legal Adviser
Legal Service Division
Legislative Council Secretariat
Legislative Council Complex,
1 Legislative Council Road,
Central, Hong Kong

Dear Ms LEE,

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

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

I refer to your letter of 20 October 2015 requesting further information and clarification in respect of the captioned Regulations. Our response in the sequence of your request is as follows.

- (a) The licensing requirements on the provision of sanitary fitments in restaurants are set out in paragraph 26 of "A Guide to Application for Restaurant Licences" issued by the Food and Environmental Hygiene Department. An excerpt is provided at **Annex A**.

The table at **Annex B** compares the statutory standards under L.N. 191 and the licensing requirements for the provision of sanitary fitments in restaurants. It demonstrates that for restaurants with different numbers of customers (the banding follows that of the licensing requirements), the number of sanitary fitments required to be provided under L.N. 191 and under the licensing requirements is the same.

- (b) As mentioned in LegCo Paper No. CB(1)200/12-13(01), in formulating the Regulations, we have taken into account empirical findings on the physiological differences between men and women, as well as the differences in the duration and frequency of use of sanitary fittings by men and women and the number of men and women using sanitary facilities in public places. Thus the access to the sanitary facilities enjoyed by male users after implementation of the Regulations would not be of a lower standard than that enjoyed by female users. The improvement in the level of provision for female sanitary fittings will unlikely result in a situation where, on average, men will have to wait longer than female for the use of toilets in public places.

In connection with the above, the Department of Justice has advised that enhancement in the level of provision of female sanitary fittings in public places should not lead to less favourable treatment of men, and hence should not give rise to allegations of gender discrimination. We understand that the Equal Opportunities Commission welcomes the introduction of the Regulations.

- (c) The Regulations are made under section 38 of the Buildings Ordinance. The applicability of the Regulations would follow section 39(2) of the Buildings Ordinance in that, where any building works or street works are being carried out or consent to their commencement has been given, the provisions of the law prior to the coming of operation of the Regulations shall apply to such works.

If you have any queries, please contact Assistant Secretary (Building) 4, Ms Pelene NG at 3509 8854.

Yours sincerely,



(Arsene YIU)

for Secretary for Development

cc. Legal Adviser
Senior Assistant Legal Adviser 1
Clerk to Subcommittee
Director of Buildings

Sanitary Fitments

26. The number of sanitary fitments required in both general and light refreshment restaurants is the same, and varies with the number of customers and staff to be accommodated. The requirements are as follows (where WC denotes water closet; WHB denotes wash-hand basin and U denotes urinal) :

- | | | | |
|-----|--|----------------|-----------------------|
| (a) | <u>Less than 25 customers</u> | |) |
| | 1 WC and 1 WHB | For both sexes |) |
| | 1 U | For males |) |
| | (WCs and Us should be provided in separate rooms with separate entrances.) | |) |
| | | |) Provision of |
| | | |) independent |
| (b) | <u>Between 25 and 100 customers</u> | |) sanitary fitments |
| | 1 WC, 1 WHB and 1 U | For males |) for staff |
| | 1 WC and 1 WHB | For females |) is exempted, |
| | | |) provided that |
| (c) | <u>Between 101 and 200 customers</u> | |) the fitments |
| | 1 WC, 1 WHB and 2 Us | For males |) are available for |
| | 2 WCs and 1 WHB | For females |) share use by |
| | | |) customers and staff |
| (d) | <u>Between 201 and 300</u> | |) |
| | 2 WCs, 2 WHBs and 3 Us | For males |) |
| | 3 WCs and 2 WHBs | For females |) |
| (e) | <u>Over 300 customers</u> | | |
| | Provision of sanitary fitments for customers and staff should conform to the requirements in regulations 5 and 8 of the <i>Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123)</i> . | | |

27. The internal dimensions of each water-closet compartment should not be less than 700 mm x 1,200 mm. If a trough urinal is installed, 500 mm of trough length is deemed equivalent to one stall urinal. Each urinal should have a user standing space of not less than 500 mm x 500 mm in front of it. In case where a urinal compartment is provided, the minimum internal dimension of the compartment should not be less than 1000 mm (depth) and 500 mm (width). If the proposed restaurant is situated in a commercial building and sanitary fitments are not provided within the premises, communal toilets in the building available for the use of customers and staff of the restaurant will also be accepted for consideration in the application for a restaurant licence. In this regard, location plans indicating the exact position of the communal toilets shall be conspicuously displayed in the seating accommodation of the premises. Furthermore, a copy of the approved building plan (or a location plan acceptable to the Licensing Authority) indicating the location and number of communal sanitary fitments in the building together with a letter of confirmation signed by the property management or owner concerned certifying such use by the restaurant and the maintenance responsibility thereof should be furnished to the Licensing Authority.

**Comparison of the Numbers of Sanitary Fitments (SF)
required under Licencing Requirements
and the Amendment Regulations**

No. of customers	Number of SF Required under Licencing Requirements				Number of SF Required under the Amendment Regulations				
		No. of Water-closets	No. of Urinals	No. of Basins		No. of Persons	No. of Water-closets	No. of Urinals	No. of Basins
< 25	M	1	1	1	M	< 10	1	1	1
	F				< 15				
25	M	1	1	1	M	10	1	1	1
	F	1		1	F	15	1		1
100	M	1	1	1	M	40	1	1	1
	F	1		1	F	60	1		1
101	M	1	2	1	M	41	1	2	1
	F	2		1	F	61	2		1
200	M	1	2	1	M	80	1	2	1
	F	2		1	F	120	2		1
201	M	2	3	2	M	81	2	3	2
	F	3		2	F	121	3		2
300	M	2	3	2	M	120	2	3	2
	F	3		2	F	180	3		2
> 300	According to the licencing requirements, the provision of SF should conform to the requirements stipulated under Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations.								