

For information

SUBCOMMITTEE ON BUILDING (STANDARDS OF SANITARY FITMENTS, PLUMBING, DRAINAGE WORKS AND LATRINES) (AMENDMENT) REGULATION 2015 AND BUILDING (ADMINISTRATION) (AMENDMENT) (NO. 2) REGULATION 2015

**Response to the concerns raised by the Members
at the meeting of 27 October 2015**

PURPOSE

This paper provides supplementary information to the Subcommittee as requested by the Members at the meeting held on 27 October 2015.

AMENDED STANDARDS FOR THE PROVISION OF MALE AND FEMALE SANITARY FITMENTS

2. In formulating the amended standards of sanitary fitments under the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 (“the Amendment Regulation”), we have taken into account the result of a consultancy study¹. The consultant has analysed the empirical findings collected through on-site surveys on the provision of sanitary fitments in various public places and user interviews, including the patronage count, the number of sanitary fitments provided, the level of usage, queuing time, usage time, level of satisfaction, etc. In addition, we have considered the projected change in gender ratio of the local population, the relevant overseas standards, as well as stakeholders’ view. We believe that the Amendment Regulation can meet the situation and needs of Hong Kong.

¹ We do not keep information on the proportion and number of females taking part in the study team.

3. The numbers of male and female sanitary fitments required to be provided in private buildings are determined in two parts –

(a) The first part is to assess the numbers of male and female in a premises according to the building types and areas. For assessing the number of male and female in public places (including places of public entertainment, cinemas, shopping arcades and department stores, religious institutions and funeral parlours), we have amended the male to female ratio to 1:1.5 so as to increase the provision of female sanitary fitments.

(b) The second part is to deduce the numbers of male and female sanitary fitments based on the numbers of male and female assessed in the first part. Having considered the different needs of male and female, the provision of watercloset fitments for female should be higher than that for male given the same number of persons.

4. As an illustration, for a cinema with seating capacity of 600, it is expected that there will be 240 male and 360 female moviegoers under the male to female ratio of 1:1.5. According to the standards for the provision of sanitary fitments on the basis of the assessed numbers of male and female moviegoers (Table 14 and Table 15 set out in the Amendment Regulation refer), the cinema will have to provide a minimum of 7 female and 2 male watercloset fitments (together with 3 urinals), which amount to a male to female watercloset fitments ratio of 1:3.5. The number of female watercloset fitments is 2.3 times that under the present standard where a minimum of 3 watercloset fitments are required.

5. Taking another illustration, for a place of public entertainment with seating capacity of 600, according to the male to female ratio of 1:1.5 and the respective standards of sanitary fitments for places of public entertainment (Table 8 and Table 9 set out in the Amendment Regulation refer), the public place will have to provide at least 13 female and 3 male watercloset fitments (together with 5 urinals), which amount to a male to female watercloset fitments ratio of 1:4.3. The number of female watercloset fitments is 2.6 times that under the present standard, where a minimum of 5 watercloset fitments are required.

6. Under the Amendment Regulation, the number of watercloset fitments to be provided for female in shopping arcades and department stores, cinema and places of public entertainment will be increased on average by about 75%, 160% and 185% respectively. The provisions of sanitary fitments in shopping arcades and department stores, cinemas and places of public entertainment under the extant statutory requirements and the Amendment Regulation are set out in **Annex A**.

STANDARDS OF SANITARY FITMENTS FOR RESTAURANTS IN SHOPPING ARCADES

7. In general, the Buildings Department (BD) will follow the procedures set out in paragraph 3 above to assess the provision of sanitary fitments in a shopping arcade with restaurants based on the respective areas of different uses. **Annex B** provides two cases for illustration, with Case 1 involving the approval of new shopping arcade and Case 2 involving the subsequent approval of additions and alterations to the shopping arcade in Case 1.

8. For a food business licence application, Food and Environmental Hygiene Department (FEHD) would stipulate the required number of sanitary fitments for compliance by the applicant. From the public health perspective, it is acceptable for the applicant to either provide sanitary fitments inside the food premises or suggest using the communal sanitary fitments in the shopping arcade, provided that the number of sanitary fitments is not less than the minimum requirement for the food premises. Generally, the owner or property management of a shopping arcade is responsible for keeping a record of allocation of communal toilets to ensure that these facilities are sufficient for all persons working and patronising inside the shopping arcade (including the restaurants inside).

9. For licensed food premises, FEHD officers will conduct inspections at regular intervals. During the inspections, FEHD officers will check compliance of legislative provisions as well as licensing requirements and conditions by the licensee/operators. If any irregularities leading to non-compliance of the provision of sanitary fitments for use by the customers such as blockage of the toilet or conversion of the toilet into storage room are detected, inspecting officers will issue warnings or initiate prosecutions

against the licensee concerned, where appropriate. However, FEHD do not have readily available statistics on enforcement action against irregularities relating to blockage of the toilet or conversion of the toilet into storage room. Moreover, if unauthorised building works are not involved, it will be a building management issue which is not under the purview of the Buildings Ordinance.

PRACTICE NOTE FOR AUTHORIZED PERSONS, REGISTERED STRUCTURAL ENGINEERS AND REGISTERED GEOTECHNICAL ENGINEERS (PNAP) ADV-28

10. BD updated the PNAP ADV-28 in 2012 with a view to providing guidance to the construction industry for voluntary adoption of a male to female ratio of 1:1.5 in the assessment of population in public places, as well as provision of unisex toilets and sanitary fitments for use by children in new building projects. Although BD does not keep statistics on new building projects which have adopted the male to female ratio of 1:1.5 in the past three years, upon Members' request, new building projects involving shopping arcades with occupation permits issued and plans approved during January to June this year have been examined. About 50%² and 75%² of the new projects with occupation permit issued and plans approved respectively have adopted the recommended male to female ratio.

11. In assessing the sanitary fitments for male and female for public places as stipulated under the PNAP ADV-28, the Authorized Person should indicate clearly on plan whether the unisex toilets are additional provision or counted as provision for male or female persons with justifications. BD will take into account those justifications in considering the approval of plans and seek to avoid extreme circumstances (for example, counting a large number of unisex toilets as sanitary fitments for a particular gender).

12. Since the legislation aims to set the minimum standards on the provision of sanitary fitments, we do not intend to incorporate those facilities recommended in PNAP (for example the provision of sanitary fitments for use by children in public places) or other facilities into the statutory requirements. In fact, according to the consultancy study, there is no statutory requirement for the provision of sanitary fitments for use by

² According to the total floor area.

children in other jurisdictions such as the United Kingdom, United States of America, Singapore, etc. BD will continue, through the PNAP, to recommend the industry to provide such facilities in the design of the building as necessary.

INCENTIVES FOR THE PROVISION OF EXTRA SANITARY FITMENTS FOR FEMALE

13. As mentioned in paragraph 2 above, in view of the result of the consultancy study, the change in population gender ratio, the relevant standards of different countries, as well as stakeholders' views, we believe that the Amendment Regulation in respect of the provision of female sanitary fitments can meet the situation and needs of Hong Kong. As further amending the standards of sanitary fitments should be supported by appropriate empirical data and analysis, we have no plan to revise the male to female ratio for assessing the population as set out in the above PNAP after the commencement of the Amendment Regulation.

14. Nevertheless, we observe that the developers actually have taken into consideration the design needs as well as commercial factors in adopting a higher standard for the provision of sanitary fitments than the statutory requirements. Therefore, we do not intend to offer plot ratio or any other incentives to the developers.

TEMPORARILY ACCESS TO MALE SANITARY FITMENTS BY FEMALE USERS

15. In general, the numbers of male and female sanitary fitments for each premises should be provided in accordance with the statutory requirements. However, in case of special circumstances (such as in a period where there are only females), allowing women to use the men's toilet, without involving any unauthorised building works, is a matter of building management and is not under the purview of the Buildings Ordinance.

EQUITY OF TREATMENT FOR MALE AND FEMALE USERS

16. In developing the Amendment Regulation, we have taken into account empirical data on the provision of sanitary fitments in various public places, the level of usage, queuing time, usage time, level of satisfaction, etc., and made reference to the relevant standards adopted in other jurisdictions as well as stakeholders' view. After implementation of the new standards, on average, men will unlikely have to wait longer than female for the use of toilets in public places, i.e. the access to the sanitary facilities enjoyed by male users would not be of a lower standard than that enjoyed by female users. In this light, the Department of Justice advised that the proposed enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of men, and hence should not give rise to allegations of gender discrimination. If a major revision on the Amendment Regulation is to be proposed, such as changing the male to female ratio for assessing the population, we will need time to re-examine whether such revision will affect the equity of treatment for male and female users, and consult stakeholders.

17. On the other hand, the Equal Opportunities Commission has welcomed the introduction of the Amendment Regulation. Owing to the habitual and physical differences in using the sanitary fitments between men and female, the duration of use will also be different. Taking into account the physiological differences between men and women, as well as differences in the duration and frequency of use of sanitary fitments by men and women, the Commission believes that revising the male to female ratio in public places can alleviate the situation where women generally take longer time to wait for the use of toilets in public places. The Commission advised that the Amendment Regulation would not give rise to allegations of gender discrimination as the enhancement in the level of provision of female sanitary fitments in public places is in response to actual needs. The access to the sanitary facilities enjoyed by both male and female users would be similar and male would not have to wait longer than female for the use of toilets in public places.

Comparison of the Numbers of Sanitary Fitments prescribed in the extant Regulations and the Amendment Regulation

(I) Shopping arcades and department stores (Basement, G/F, 1/F and 2/F)

Example Area (m ²)	Number of Sanitary Fitments (SF) prescribed in the extant Regulations			Number of SF proposed in the Amendment Regulation			Increase/Decrease in Provision of SF (%)		Under the Amendment Regulation			
		No. of Persons ¹	No. of Water-closets (WC)	No. of urinals		No. of Persons ²	No. of WC	No. of urinals	Male (M)	Female (F)	Ratio of SF for Male to Female	Ratio of WC for Male to Female
500	M	17	1	1	M	67	1	1	0		1:1.5	1:3
	F	17	2		F	100	3			+50		
1 500	M	50	2	1	M	200	2	1	0		1:2	1:3
	F	50	3		F	300	6			+100		
2 500	M	83	4	2	M	333	3	2	-17		1:1.6	1:2.7
	F	83	5		F	500	8			+60		
3 500	M	117	5	3	M	467	4	2	-25		1:1.8	1:2.8
	F	117	6		F	700	11			+83		
5 000	M	167	6	4	M	667	5	3	-20		1:1.8	1:2.8
	F	167	8		F	1 000	14			+75		
30 000	M	1 000	22	20	M	4 000	18	16	-19		1:2.1	1:3.9
	F	1 000	41		F	6 000	71			+73		

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

²The 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.

(II) Cinemas

Example	Number of Sanitary Fitments (SF) prescribed in the extant Regulations			Number of SF proposed in the Amendment Regulation			Increase/ Decrease in Provision of SF (%)		Under the Amendment Regulation		
	Seating Capacity	No. of Persons ³	No. of WC	No. of urinals	No. of Persons ⁴	No. of WC	No. of urinals	Male (M)	Female (F)	Ratio of SF for Male to Female	Ratio of WC for Male to Female
250	M	125	1	2	M	100	1	1	-33	1:2	1:4
	F	125	2		F	150	4		+100		
350	M	175	1	2	M	140	1	2	0	1:1.7	1:5
	F	175	2		F	210	5		+150		
500	M	250	2	3	M	200	1	2	-40	1:2	1:6
	F	250	2		F	300	6		+200		
600	M	300	2	3	M	240	2	3	0	1:1.4	1:3.5
	F	300	3		F	360	7		+133		
750	M	375	2	4	M	300	2	3	-17	1:1.6	1:4
	F	375	3		F	450	8		+167		
1 000	M	500	2	5	M	400	2	4	-14	1:1.5	1:4.5
	F	500	3		F	600	9		+200		

³The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.

⁴The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.

(III) Places of Public Entertainment

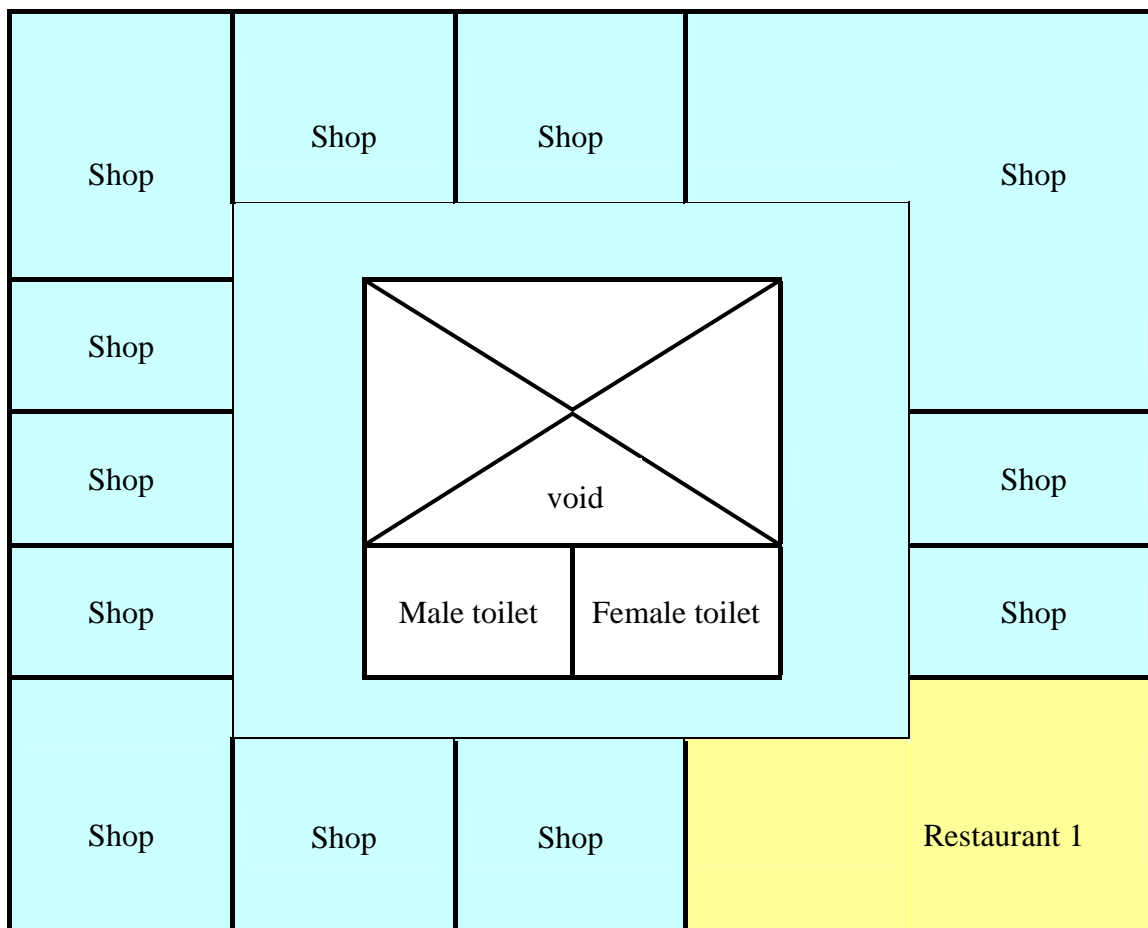
Example	Number of Sanitary Fitments (SF) prescribed in the extant Regulations			Number of SF proposed in the Amendment Regulation			Increase/ Decrease in Provision of SF (%)		Under the Amendment Regulation		
	Seating Capacity	No. of Persons ⁵	No. of WC	No. of urinals	No. of Persons ⁶	No. of WC	No. of urinals	Male (M)	Female (F)	Ratio of SF for Male to Female	Ratio of WC for Male to Female
200	M	100	1	2	M	80	1	2	0	1:2	1:6
	F	100	2		F	120	6		+200		
600	M	300	3	6	M	240	3	5	-11	1:1.6	1:4.3
	F	300	5		F	360	13		+160		
1 000	M	500	5	10	M	400	4	8	-20	1:1.6	1:4.8
	F	500	7		F	600	19		+171		
2 000	M	1 000	7	20	M	800	6	16	-19	1:1.5	1:5.7
	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	1:6.1
	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	1:8.1
	F	5 000	52		F	6 000	154		+196		

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

⁶The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.

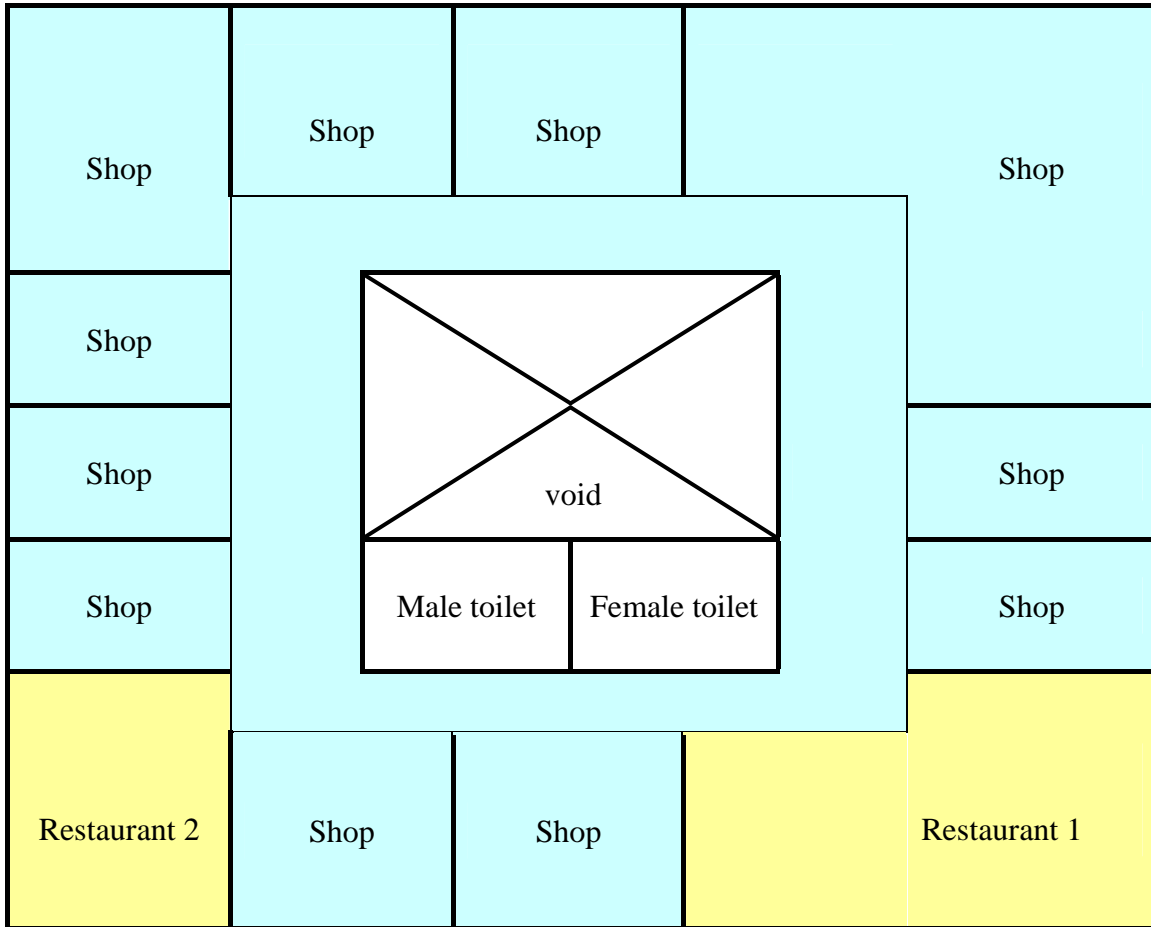
Annex B

Case 1 : New shopping arcade with restaurant



	Area (m ²)	Population factor	No. of persons		No. of WC	No. of urinals	No. of basins
Shopping arcade	3500	3 m ² /person	M	466	4	2	4
			F	701	11		5
Restaurant 1	450	1.5 m ² /person	M	120	2	3	2
			F	180	3		2
Total no. of sanitary fitments required			M		6	5	6
			F		14		7

Case 2 : Shopping arcade in Case 1 being altered to accommodate one more restaurant (Restaurant 2)



	Area (m ²)	Population factor	No. of persons		No. of WC	No. of urinals	No. of basins	
Shopping arcade	3200	3 m ² /person	1067	M	427	4	2	4
				F	640	10		5
Restaurant 1	450	1.5 m ² /person	300	M	120	2	3	2
				F	180	3		2
Restaurant 2	300	1.5 m ² /person	200	M	80	1	2	1
				F	120	2		1
Total no. of sanitary fitments required			M		7	7	7	
			F		15		8	

Amended figures