

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

**List of follow-up actions arising from the discussion
at the meeting on 3 November 2015**

The Administration was requested to provide the following information:

Major alteration and addition works

1. Clarification on the definition(s) of "major alteration/addition works" in relevant legislation, including the Buildings Ordinance (Cap. 123) and the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) (Amendment) Regulation 2015 ("the Amendment Regulation");
2. Examples of alteration/addition works that are considered major alteration/addition works under Cap. 123 or other relevant pieces of legislation;
3. Whether the definition of "major alteration/addition works" in paragraph 1 above is consistent with the definitions of the same term in other ordinances/regulations; if yes, the details;
4. In respect of premises (such as restaurants, places of public entertainment) undergoing major alteration/addition works, whether the Administration will consider giving exemption for such premises that are smaller than a certain area from compliance with the requirements on the provision of sanitary fitments under the Amendment Regulation, and the relevant legal justifications;

The minimum numbers of sanitary fitments set out in the Tables

5. With reference to the Amendment Regulation, the basis (including assumptions, survey findings, statistical methods, etc.) on which the Administration has worked out the required numbers of watercloset fitments and urinals to be provided in the tables in L.N. 191 (in particular, the numbers under Columns 2 and 3 of Table 14, which relates to a cinema, and the numbers under Column 2 of Table 15);

Exemption from following the requirements under building regulations

6. The number of applications made on Form BA 16 received by the Buildings Department in the last two years (for exemption from complying with certain requirements under the Buildings Ordinance or building regulations (including but not limited to requirements on provision of sanitary fitments)); statistics on the results of such applications; and the factors considered by the Buildings Authority in granting such exemptions;
7. Whether applications for exemption from the requirements under the Amendment Regulation can be made on Form BA 16; if yes, the factors to be considered by the Buildings Authority in granting such exemption;

Non-compliance with the requirements on provision of sanitary fitments

8. With respect to the practices that might be adopted in premises (which are not subject to any licensing regime) to convert some of the toilets/toilet compartments into other uses (such as store rooms), or to allocate some toilets designated for a certain sex to the opposite sex on a long-term basis, clarification on whether such practices are regulated under Cap. 123 and/or the Amendment Regulation;
9. If the answer to paragraph 8 above is in the affirmative, information on the relevant section(s) of Cap. 123 or the Amendment Regulation that operate(s) to regulate the practices referred to in paragraph 8 above; clarification on whether any of the said practices is a contravention of any of the relevant sections, and the legal justification concerned;
10. If the answer to paragraph 8 is in the negative, the relevant legal justification; clarification on whether and how the practices concerned are regulated by other piece(s) of legislation, the relevant legal justifications and the remedies provided under the relevant pieces of legislation;
11. Clarification on whether there is any mechanism/arrangement which may facilitate members of the public to identify if there is any contravention of the relevant statutory requirements on provision of sanitary fitments and for the public to lodge complaints against suspected contravention; if yes, the details; if no, the reasons;

12. The measures/actions that may be taken by the Administration to deal with the practices referred to in paragraph 8 above;

Unisex toilets

13. A copy of the relevant paragraph(s) in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ADV-28 which showed support for the provision of unisex toilets in private buildings/public places; and

Hon Tony TSE's written questions

14. A response to the questions of Hon Tony TSE Wai-chuen set out in LC Paper No. CB(1)90/15-16(08).

Council Business Division 1
Legislative Council Secretariat
6 November 2015