

**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 3 November 2015**

**PURPOSE**

This paper provides supplementary information to the Subcommittee in response to the Members' requests at the meeting held on 3 November 2015 and the written questions of Hon Tony TSE Wai-chuen.

**APPLICATION OF NEW REGULATIONS**

2. Pursuant to section 39(2) of the Buildings Ordinance, for any building works which commencement has not been approved by the Buildings Department (BD) (including alteration or addition works), new regulations shall apply to such works. This provision also applies to the Amendment Regulation. In practice, its application on the alteration of existing buildings depends on the scope and scale of the alteration works.

3. BD has always been adopting a pragmatic approach to scrutinise each alteration and addition works. As regards the application of the Amendment Regulation, taking restaurants and cinemas as examples, unless there is a change in use (such as converting a shop into a restaurant or cinema) or an extension (i.e. extending a restaurant or a cinema to the adjoining premises causing an increase in area for the restaurant or an increase in seating capacity of the cinema), etc. that constitutes substantial alterations, the new standards of sanitary fitments under the Amendment Regulation will not be applicable to an existing restaurant or cinema even when there are alteration works being carried out (for example, internal renovation, a change in door position, alterations to the walk-in-freezer of a restaurant, etc.).

4. In the case of new standards being applicable to alteration works, if there are special reasons such as physical constraints of the building, unreasonable difficulties in compliance with the provisions, etc., BD will consider granting modification of or exemption from the provisions of the Buildings Ordinance. BD does not keep statistics on the application and granting of permit in this regard.

## **CONSULTANCY STUDY REPORT**

5. In reviewing the standards of sanitary fitments for male and female, the consultant conducted a two-month on-site survey on the use of sanitary fitments in numerous local public places. The survey was conducted during the peak periods on weekdays and holidays; and about 2 500 users (in which 60% are females) in different types of buildings were interviewed. The survey covered the number of sanitary fitments provided, the level of usage, usage time, queuing time and the level of satisfaction to the users, etc. With the empirical data collected, by using statistical methodology, the consultant adopted the Queuing Model of Operations Research to assess the required increase in the number of sanitary fitments so as to enhance the level of satisfaction of female. According to the consultant's recommendations, we have developed the requirements for the provision of sanitary fitments in different types of building uses as well as the male to female ratio in different types of building uses.

6. Taking a place of public entertainment as an example, based on the consultant's recommendations, we have formulated Table 9 of the Amendment Regulation (page 16 of LC Paper No. CB(1)53/15-16(01)) which requires one watercloset fitment for every 25 to 40 female persons, which is a much higher standard than the current one (Table IX in page 15 of LC Paper No. CB(1)53/15-16(01)) which requires one watercloset fitment for every 50 to 100 female persons. On the other hand, after taking into account the empirical data collected by the consultant, the male to female ratio in assessing the population for the provision of sanitary fitments has been raised from 1:1 to 1:1.5 (page 17 of LC Paper No. CB(1)53/15-16(01)). As an illustration, for a place of public entertainment with seating capacity of 600, it is expected that there will be 240 male and 360 female persons under the male to female ratio of 1:1.5. On the basis of 360 female persons, according to the standard set out in Table 9 of the Amendment Regulation, the public place will have to provide at least 13 female watercloset fitments. Under the extant Regulation, a place of public entertainment with 600 persons will have 300 male and 300 female persons. According to the present standard set out in Table IX, 5 female watercloset fitments are required to be provided. Thus, with the combined effects of the

male to female ratio as well as the standard in Table 9, the number of female watercloset fitments is 2.6 times more than the present standard.

## **REPLACING “USABLE FLOOR SPACE” BY “USABLE FLOOR AREA”**

7. The change of interpretation seeks to improve the clarity of the relevant provisions. The term “usable floor area” has been used in the Code of Practice for the Provision of Means of Escape in Case of Fire for many years. The consultant advised that this term can clearly express how to determine the number of persons being accommodated in a premises. Such a change will have no substantial effect on the provision of sanitary fitments.

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

8. As mentioned in paragraph 3 of PNAP ADV-28, the government strongly recommends the adoption of recommendations on the provisions of sanitary fitments set out in the PNAP, including the provision of unisex toilets.

## **ALTERATIONS TO THE PROVISION OF SANITARY FITMENTS**

9. As to whether temporary or permanent alterations to the provision of sanitary fitments can be regulated under the Buildings Ordinance, we are seeking legal advice from the Department of Justice and will provide further information later.

10. On the other hand, the required and actual numbers of sanitary fitments for a building are shown on the plans approved under the Buildings Ordinance. If any members of the public would like to find out more about the provision of sanitary fitments for particular premises, they can submit a request to BD for viewing of building plans.