

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 9 November 2015**

PURPOSE

This paper provides supplementary information to the Subcommittee in response to the Members' requests at the meeting held on 9 November 2015.

APPLICATION OF NEW REGULATIONS

2. As mentioned in paragraph 3 of LC Paper No. CB(1)128/15-16(02), if only internal renovation and subdivision works will be carried out in an existing cinema where there is no change in use or extension constituting substantial alterations, the new standards of sanitary fitments under the Amendment Regulation will not be applicable.

3. With regard to the application of outside seating accommodation (OSA) adjoining restaurant premises for alfresco dining, according to the information provided by the Food and Environmental Hygiene Department, the restaurant licensees/ applicants in general will not be asked to follow the new standards in the provision of sanitary fitments for male and female customers if such OSA applications have been submitted before the commencement of the Amendment Regulation.

4. Pursuant to section 42(1) of the Buildings Ordinance (BO), where in the opinion of the Building Authority special circumstances render it desirable he may, on receipt of an application, permit by notice in writing modifications of the provisions of the Ordinance. Under section 42(2) of the BO, the Building Authority shall consider every application for an exemption on its own merits. Generally, the Buildings Department (BD) has been adopting a pragmatic approach in considering such applications and would take into

account various factors such as physical constraints of the building, unreasonable difficulties in compliance with the provisions, etc. According to section 42(4) of the BO, the Building Authority will also ensure that any exemption granted will not be to the prejudice of the standard of structural stability and public health. In special circumstances where BD may grant a permit for minor modification on the number of sanitary fitments required, such deviation will only involve the service standard and will not affect the public health standard.

CONSULTANCY STUDY REPORT

5. In reviewing the standards of sanitary fitments for male and female, the consultant conducted on-site survey on the use of sanitary fitments in numerous local public places. The survey covered the actual number of sanitary fitments provided in the premises, the number of people using the sanitary fitments, queuing time and toilet usage time; and about 2 500 users (in which 60% are females) were interviewed for giving views on different queuing time and the level of satisfaction. As regards the toilet usage time for both gender, the survey indicated that the average time for male users ranged from 1.31 minutes to 2.62 minutes in different places, with a total average toilet usage time of 1.95 minutes; while the average time for female users ranged from 1.7 minutes to 2.96 minutes, with a total toilet usage time of 2.61 minutes.

6. The consultant, making use of statistical methodology, collected three main kinds of empirical data (i.e. number of people using the sanitary fitments in certain period of time, usage time and number of sanitary fitments). By applying those collected data into the Queuing Model of Operations Research with the assumption that the people in and out of the sanitary fitments follow Poisson Distribution¹, the consultant estimated the effect of change in the number of sanitary fitments on the queuing time, and assessed the required increase in the number of female sanitary fitments so as to enhance the level of satisfaction.

7. We have taken into account the consultant's recommendations based on the study mentioned in paragraph 6 above that the number of female sanitary fitments in cinemas has to be increased by 135%. Taking 200 female moviegoers as an example, 2 female watercloset fitments are required to be

¹ The Poisson distribution is a kind of statistics and is a discrete probability distribution. It was first introduced by a French mathematician (Siméon-Denis Poisson) and published in 1838. It can be used for the probability of a given number of events occurring in a fixed interval of time.

provided under the extant regulation. Having considered the consultant's recommendations, 5 female watercloset fitments are required to be provided under the Amendment Regulation. Comparing the provisions of 1 male watercloset fitment and 2 urinals required under the Amendment Regulation, the statutory requirements have taken into account the different needs of male and female, including the different usage time.

8. As an illustration, for a cinema with seating capacity of 500, 2 female watercloset fitments are required to be provided under the extant regulation. With the combined effects of the male to female ratio as well as the standard set out in Table 15 (Page 23 of LC Paper No. CB(1)53/15-16(01)), 6 female watercloset fitments are required to be provided under the Amendment Regulation. The number of female watercloset fitments is 3 times more than the present standard.

PROVISION OF SANITARY FITMENTS IN SHOPPING ARCADES AND DEPARTMENT STORES

9. For shopping arcades and department stores, BD will assess the number of sanitary fitments to be provided according to the area as well as the standard set out in Tables 17 to 19 of the Amendment Regulation (Pages 25-28 of LC Paper No. CB(1)53/15-16(01)). The provision of sanitary fitments in shopping arcades and department stores under the extant statutory requirements and the Amendment Regulation are set out in **Annex A**.

ALTERATIONS TO THE PROVISION OF SANITARY FITMENTS

10. We have consulted the Department of Justice (DoJ) on whether temporary or permanent alterations to the provision of sanitary fitments in existing buildings can be regulated under the BO. DoJ advised that it would depend on the actual circumstances of each case, including whether the concerned sanitary fitments have been provided in accordance with the statutory requirements, whether there is sufficient evidence to prove that the sanitary fitments provided for a particular gender could not be used by that gender permanently, and whether the alterations involve unauthorised building works. If unauthorised building works are involved, the Building Authority may order the removal of such building works under section 24 of the BO. In case where there is no involvement of unauthorised building works, the

Building Authority will have to consider if there are sufficient justifications for him to issue an order under section 25 of the BO to discontinue the unsuitable change in use.

Development Bureau
November 2015

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) Shopping arcades and department stores (3/F or above)

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 ³	No. of Water-closets (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
500	M	17	1	1	M	45	1	1	0		1:1.5	1:3
	F	17	2		F	67	3			+50		
1 500	M	50	2	1	M	134	2	1	0		1:1.3	1:2
	F	50	3		F	200	4			+33		
2 500	M	83	4	2	M	222	2	1	-50		1:2	1:3
	F	83	5		F	334	6			+20		
3 500	M	117	5	3	M	311	3	2	-38		1:1.6	1:2.7
	F	117	6		F	467	8			+33		
5 000	M	167	6	4	M	445	4	2	-40		1:1.7	1:2.5
	F	167	8		F	667	10			+25		
30 000	M	1 000	22	20	M	2 667	13	11	-43		1:2	1:3.8
	F	1 000	41		F	4 000	49			+20		

³The population of the premises is assessed by a factor of 15 square metres / person and the ratio of male to female is 1:1.

⁴The population of the premises is assessed by a factor of 4.5 square metres / person and the ratio of male to female is 1:1.5.