

Executive Summary

Direct Investigation Report

Management and Repair of Public Toilets by Food and Environmental Hygiene Department and Architectural Services Department

Introduction

Since 2000, the Food and Environmental Hygiene Department (“FEHD”) has outsourced street cleansing services (which include cleansing services for public toilets) to cleansing service contractors (“contractors”). As at September 2020, there are 808 public toilets under FEHD’s management across the territory. Cleansing services for 610 of the public toilets are provided by contractors (“outsourced toilets”). Those for the remaining 198 public toilets located in the New Territories and outlying islands are directly provided by FEHD (“directly managed toilets”).

2. There have been media reports from time to time about the poor hygiene condition, dilapidated facilities and damaged items pending repair in some public toilets, not only causing inconvenience to users, but also affecting tourists’ impression of Hong Kong. Given the importance of public toilet management to people’s daily lives and its possible impact on Hong Kong’s reputation as a metropolitan, The Ombudsman decided to conduct this direct investigation to examine the Government’s mechanism and efforts relating to public toilet management, maintenance and repair, with a view to making recommendations for improvement.

Our Findings

3. To keep public toilets clean and hygienic, users should of course be considerate, self-disciplined and observe relevant rules, while the Government should endeavour to keep toilet facilities in good and clean condition. This direct investigation has identified the following areas for improvement in the Government’s management and maintenance of public toilets in respect of cleansing services, repair and refurbishment.

(I) *Inadequate Definition for “High-utilisation Public Toilets”*

4. Utilisation rate of a public toilet is a key factor for FEHD in determining the level of resource deployed on cleansing services for toilets and its decision whether to include a toilet in the refurbishment programme. Public toilets with 300 visitors or more a day are classified as “high-utilisation public toilets” by FEHD. The contractors concerned are required to deploy toilet attendants to station at those “high-utilisation public toilets”. For public toilets not in the “high-utilisation” category, FEHD would provide routine cleansing services via cleansing workers employed by contractors. Nevertheless, with regard to utilisation rates, FEHD did not have a consistent counting method in the early years. It was not until 2018 that the Department engaged a service provider to conduct visitor counting at two public toilets. The exercise was then extended to cover all 795 public toilets in 2019 to gauge the number of visitors.

5. All public toilets with 300 visitors or more a day are classified by FEHD as “high-utilisation public toilets”. We have analysed the data in FEHD’s statistical report on the public toilet visitor counting exercise conducted in 2019 and found a total of 248 “high-utilisation public toilets” (i.e. 31% of all public toilets). Among them, 101 (or 41% of all “high-utilisation public toilets”) registered 1,000 visitors or more a day; while 15 (or 6% of all “high-utilisation public toilets”) registered 3,000 or more a day, which was 10 times the benchmark for “high utilisation” (being 300 visitors a day). In terms of maintenance, repair, inspections and refurbishment, we consider it unreasonable for FEHD to have treated all the 248 “high-utilisation public toilets” with visitor counts ranging from 300 to 3,000 or more a day in the same way.

6. This Office is of the view that FEHD should review the definition of “high utilisation” and its mechanism of putting public toilets into three categories. It should conduct a comprehensive analysis of the utilisation rates of all public toilets so as to identify those requiring special treatment, and then adopt different management and planning measures from the others. For instance, FEHD should, on a need basis, require more workers to be deployed for routine cleansing, and increase the frequency of deep cleansing operations and inspections. For further improvement, FEHD should collate statistics that include demographic data and tourist number, as well as the scale and visitor count of individual public toilets in each district, and deploy resources properly and flexibly according to actual circumstances in order to enhance public toilet planning and management.

(II) *Lack of Analysis on Defaults by Contractors*

7. With respect to outsourced toilets, FEHD monitors the performance of contractors in accordance with the service contracts, which contain specific performance indicators for different service items. Contractors rendering sub-standard cleansing services would be issued Default Notices (“DNs”) and will have their monthly service fees deducted by the local District Environmental Hygiene Offices (“DEHOs”) of FEHD. They will face the same consequences if they fail to complete a maintenance item at the specified public toilet within 24 hours.

8. The various DEHOs under FEHD maintain separately their own records on the issuance of DN to contractors. They would conduct statistical analysis on those records where necessary. Nevertheless, they need not submit those records to the FEHD Headquarters, which has not in turn compiled or analysed the relevant records on a territory-wide basis. Consequently, the FEHD Headquarters hardly knows the number of contractors having rendered sub-standard cleansing services, which contractors are the more frequent offenders, and the reasons for their non-compliance with service requirements. As the management department of public toilets, FEHD should strengthen its analysis of the problems and devise specific improvement measures to enhance the effectiveness of its monitoring system.

9. As for inspections, FEHD concentrates its resources on “high-utilisation public toilets” with toilet attendants. Inspections at “low-utilisation public toilets” have been less frequent, and inspections at remote public toilets have been infrequent and less than one time a day. We consider FEHD’s practice reasonable owing to resource constraints. However, FEHD should not overlook public toilets not in the “high-utilisation” category and those located in remote areas. For those in remote areas, while they may have fewer visitors on normal days, their utilisation rates would rise sharply when people flock to the suburbs on holidays. We notice that in the past, Senior Health Inspectors of DEHOs had the discretion on inspection frequencies for public toilets located in remote areas, and FEHD had not issued any guidelines on the minimum frequency and number of inspections for those public toilets. This might result in variance in the number of inspections and some public toilets in remote areas might have been left uninspected for too long. We note that FEHD has made improvement by implementing revised internal guidelines in January 2021 that stipulate inspections at public toilets in remote areas be conducted at least once every 10 working days.

(III) Unsatisfactory Management System for Directly Managed Toilets

10. Performance indicators for outsourced toilets (such as the cleanliness level must be at Grade A) are not applicable to directly managed toilets. With respect to outsourced-public toilets, FEHD may issue DNs to contractors and deduct their monthly service fees in case the contractors' services have fallen short of contract requirements. However, in respect of directly managed toilets, no objective performance indicators have been set by FEHD for its cleansing workers or Foremen.

11. FEHD explained that the cleansing work are supervised by Foremen, who would directly instruct cleansing workers to redo the cleansing tasks properly if the cleanliness level is found not satisfactory during inspections. Nevertheless, there are no objective indicators on the "proper" or "satisfactory" level of performance. Data provided by FEHD show that between January and September 2020, with respect to the 198 directly managed toilets, no cleansing workers or Foreman had attended discipline hearing or been punished in accordance with the civil service disciplinary mechanism because of unsatisfactory performance in rendering cleansing services for directly managed toilets. Complaint data, on the other hand, reveal that around 8% to 12% of complaint cases every year (involving issues such as public toilet cleanliness and repairs) were related to directly managed toilets. We believe that occasional sub-standard performance of frontline workers is only to be expected, and FEHD would issue DNs to contractors when their employees have been delinquent in their duties. That FEHD data showing there being zero number of cases in which FEHD cleansing staff had underperformed may mean that all the cleansing staff had been performing satisfactorily, or that the data simply could not reflect the actual situation. FEHD should make reference to its mechanism for monitoring contractors and formulate specific service indicators for compliance by its cleansing workers.

12. Furthermore, among the 198 directly managed toilets we found that five belong to the "high-utilisation public toilets" category, but FEHD had not deployed any toilet attendants there. Without toilet attendants providing immediate cleansing services, it would be really difficult to maintain hygiene at the heavily used public toilets. FEHD should consider deploying toilet attendants to those toilets.

(IV) Failing to Utilise Complaint Data for Enhancing Management Effectiveness

13. FEHD previously did not collate or compile statistics on complaints relating to public toilets. It had never analysed in a comprehensive manner aspects such as which

public toilets having received the most complaints, their complaint frequencies and details, etc. It was not until June 2020 that the Department enhanced its complaint information management system upon the recommendation by the Audit Commission. We consider that FEHD should analyse the crux of problems and areas for improvement by examining the details of complaints, including details of dilapidated facilities, poor cleanliness of premises, or unsatisfactory performance of cleansing workers. By looking into the locations of the public toilets under complaint, the time and frequencies of complaints, and the responsible contractors, the Department can understand the problems better and take specific improvement measures. Take the public toilets in the Yuen Long district, which have received more complaints, as an example. Our site visits at those public toilets in March 2021 found that they were bugged by problems like dirtiness, unpleasant odours and defective facilities that had not been properly dealt with. In this light, FEHD should collect data and analyse the crux of the problems in order to map out long-term solutions.

(V) Actions against Vandalism at Public Toilet Facilities Should Be Strengthened

14. Both FEHD and users have the responsibility to maintain the hygiene and cleanliness of public toilets. The Department's efforts in stepping up publicity and public education, as well as exploring ways to upgrade public toilet facilities are commendable and should continue, so that the management and environmental hygiene of public toilets can be improved. Information indicates that cases of vandalism at public toilets have surged between 2015 and September 2020: from only zero to one case between 2015 and 2017, to 13 and 89 cases in 2018 and 2019 respectively. The first nine months of 2020 also saw 46 cases of vandalism at public toilets. Regarding such acts of vandalism, FEHD should explore ways to tackle them more proactively. It can, for example, conduct a comprehensive analysis of the problem (such as the location, time and nature of the incidents) with a view to finding solutions and improvement strategies. In addition, it should strengthen communication with law enforcement departments by sharing with them the information it has collected and its analysis of the cases to facilitate more robust enforcement and formulation of stronger security measures.

(VI) Mechanism for Monitoring Contractors Needs Improvement

15. In addition to repair for public toilets, the service contracts between the Architectural Services Department ("ArchSD") and contractors also stipulate maintenance duties for other government departments. ArchSD monitors the

performance of its contractors in accordance with the guidelines promulgated by the policy bureau.

16. ArchSD has an established mechanism for monitoring contractors' progress in public toilet repair works, each of which must be completed by the specified completion date. Information shows that the vast majority of public toilet works taken up by ArchSD contractors had been completed within the specified timeframe. Only a handful of cases each year involved delay and resulted in "liquidated damages" being imposed on the contractors concerned.

17. Yet, our investigation found that in cases involving serious delays by contractors, the amount of "liquidated damages" demanded by ArchSD pursuant to the terms and conditions of the Government's public works contracts was not that high. A works order of low value would mean a smaller amount of liquidated damages to be imposed, even in cases involving prolonged delay. For instance, a contractor was demanded to pay only \$54 in liquidated damages for a delay of 125 days in a works order, while another just paid \$2 for a delay of 16 days. We are of the view that delay in works completion would cause partial closure of public toilet facilities and bring inconvenience to users. "Liquidated damages" of insignificant amounts cannot reflect the hidden cost borne by the Government because of works delay, and fail to exert any deterrent effect on contractors. While only a handful of cases each year involved delay by contractors and a contractor's performance may affect its chance of bidding for future Government contracts, we see serious delays in the repair works for individual public toilets, and the amounts of "liquidated damages" currently demanded by ArchSD have slight deterrent effect on contractors. As such, ArchSD needs to consider setting heavier penalties in its works orders (say, "liquidated damages" at progressive rates based on the duration of delay involved) to prevent persistent delay in works orders.

(VII) FEHD and ArchSD Should Strengthen Communication About Public Toilet Repair

18. FEHD would request ArchSD to carry out public toilet repair works via ArchSD's "Repair Hotline Centre". After making the request, FEHD would not regularly enquire with ArchSD about works progress, and ArchSD would not regularly update FEHD on works progress, either. It was only in April 2019 that the two departments, in conjunction with the Electrical and Mechanical Services Department, developed a mobile application to link up their computer systems for sharing information about dates and progress of repair works. We consider it to be the right

way forward to use technology and build a communication platform for enhancing efficiency. FEHD and ArchSD should be more proactive in strengthening communication with each other for closer monitoring of progress on public toilet repair works.

19. ArchSD received around 10,000 requests annually for public toilet repair from FEHD, and almost 100% of them could be completed by the specified deadline. Delay occurred in only a handful of cases. We do not have doubt on the accuracy of the data. In fact, both FEHD's "minor works order record system" and ArchSD computer system contain records on the dates and time of FEHD discovering the defects, the dates and time of ArchSD receiving FEHD's requests for repair and issuing works orders to contractors, as well as the contractors' completion dates. The data therein are plain and clear.

20. We agree that the "minor works order record system" can help FEHD record and analyse repair cases referred to ArchSD. Yet, we notice that the effectiveness and smooth operation of the system depend greatly on whether the contractors or staff of FEHD report items pending repair as soon as possible. If they do, repair works can commence promptly; otherwise, there will be delay. FEHD should adopt effective measures to ensure prompt submission of repair requests to ArchSD upon discovery of items in need of repair.

(VIII) FEHD Failing to Update "Toilet Handbook" in a Timely Manner

21. The Handbook on Standard Features for Public Toilets ("Toilet Handbook"), compiled by FEHD in 2001 provides reference standards regarding public toilet design, ventilation facilities and lighting; as well as the configuration, installation and materials to be used for the facilities in public toilets. The last update of the Toilet Handbook was in 2011. In recent years, a lot of improvement measures and new facilities have been introduced in public toilets, but related information has not been incorporated into the Handbook. We consider that FEHD should update the Handbook regularly and in a timely manner, such that it can serve as reference for public toilet refurbishment projects carried out by FEHD and ArchSD.

(IX) FEHD Should Enhance Criteria for Public Toilet Refurbishment

22. The utilisation rate of a public toilet and whether it is located in a major tourist spot are two main factors for FEHD to determine whether to include it in the

refurbishment programme. Concerning the calculation of public toilet utilisation rates, FEHD did not have a consistent counting method in the past. It had conducted only one comprehensive visitor counting exercise for 795 public toilets in 2019. On the other hand, whether a certain tourist site is a tourist hotspot may also change with time and tourists' preferences. In this connection, FEHD should conduct regular studies and local consultations, and seek the views of the Tourism Commission. Coupled with the statistics on utilisation rates, the Department may determine whether a public toilet is located in a tourist hotspot and should be given priority in resource allocation, and therefore be included in the refurbishment programme. This can prevent inappropriate resource allocation for public toilet refurbishment.

(X) *Public Toilet Refurbishment*

23. We understand that the number of public toilets to undergo refurbishment is determined by the amount of available Government funds. For the five years starting 2019/20, the Government has already allocated more resources so that more public toilets can be included in the refurbishment programme. Nevertheless, the progress of public toilet refurbishment has been slow. Only around 48 public toilets are being refurbished each year. At this rate, on average each of the 808 public toilets across the territory would approximately undergo refurbishment only once every 17 years. FEHD should regularly review the priorities in public toilet refurbishment and identify those that have not undergone refurbishment for a long time and with facilities being dilapidated, in disrepair or breaking down frequently. Where necessary and circumstances permit, FEHD may consider conducting surveys to gauge public views on public toilet services and refurbishment plan for local public toilets. It may also consider applying for more Government resources so that public toilets accorded higher priority can be included in the refurbishment programme.

Recommendations

24. In light of the above, The Ombudsman has made the following recommendations to FEHD and ArchSD:

FEHD

- (1) review the current mechanism in a timely and realistic manner, and collate information that includes demographic characteristics and tourist number of various districts, as well as the visitor counts of individual

public toilets, so that resources can be allocated properly and flexibly for improving public toilet planning and management;

- (2) conduct comprehensive statistical analysis on cases involving issuance of default notices to contractors and deduction of monthly service fees related to public toilet cleansing services with a view to identifying inadequacies and introducing specific improvement measures;
- (3) continue to step up inspections at outsourced toilets, including those in the suburbs that may have more visitors on holidays;
- (4) draw up specific performance indicators for directly managed toilets for compliance by the Department's frontline staff;
- (5) consider deploying toilet attendants to "high-utilisation directly managed toilets" so that their cleanliness level can be maintained;
- (6) continue with the statistical analysis on public toilet related complaints and make better use of the data for improving public toilet management;
- (7) continue to strengthen publicity and education to address the problem of vandalism at public toilet facilities, and maintain communication with law enforcement departments for exploring solutions;
- (8) update the Toilet Handbook regularly and in a timely manner so that it can serve as reference for public toilet refurbishment projects carried out by FEHD and ArchSD;
- (9) continue with the timely reviews on utilisation rates, conducting consultations and make use of relevant statistics to determine whether a public toilet remains in a tourist hotspot; re-examine whether there are public toilets that have not undergone refurbishment for a long time, with facilities dilapidated or frequently breaking down, and consider whether such public toilets should be given higher priority in resource allocation and included in the public toilet refurbishment programme;

ArchSD

- (10) assess the feasibility of raising penalties specified in works orders for exerting greater deterrent effect on contractors involved in delay in works completion; and

FEHD and ArchSD

- (11) continue to strengthen proactive communication with each other for closer monitoring of progress in public toilet repair works, and implement effective measures to ensure that requests for repair at public toilets are promptly submitted to ArchSD upon discovery of the items in need of repair.

**Office of The Ombudsman
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