

立法會
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with the Chairman)

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LegCo Panel on Environmental Affairs

**Subcommittee on matters
relating to environmental hygiene**

**Minutes of Meeting held on
Monday, 19 June 2000 at 8:30 am
in Conference Room B of the Legislative Council Building**

- Members Present** : Dr Hon TANG Siu-tong, JP (Chairman)
Hon Fred LI Wah-ming, JP
Hon CHAN Wing-chan
Dr Hon LEONG Che-hung, JP
- Members Absent** : Hon WONG Yung-kan
Hon CHOY So-yuk
- Public Officers Attending** : Mr Paul TANG
Deputy Secretary for the Environment and Food (A)
- Ms Eva TO
Principal Assistant Secretary for the
Environment and Food (A)3
- Miss Sarah WU
Deputy Director of Food and Environmental Hygiene
(Environmental Hygiene)
- Mr Charles WONG
Assistant Director of Food and Environmental Hygiene
(Headquarters)
- Mr TSANG Nim-tong
Senior Superintendent (Cleansing),
Food and Environmental Hygiene Department

Clerk in Attendance : Mrs Constance LI
Chief Assistant Secretary (2)2

Staff in Attendance : Miss Mary SO
Senior Assistant Secretary (2)8

Action

I. Hygiene standard in public toilet facilities and toilets in restaurants
[Paper No. CB(2)2378/99-00(01)]

At the invitation of the Chairman, Assistant Director of Food and Environmental Hygiene (Headquarters) (AD/FEH(H)) briefed members on the paper provided by the Food and Environmental Hygiene Department (FEHD) [Paper No. CB(2)2378/99-00(01)], which set out the provision and management of public toilets, and the regulation of toilet facilities in licensed restaurants. A pictorial description of the public toilets was also tabled for members' reference. (The pictorial description was circulated to members vide Paper No. CB(2)2408/99-00(01) dated 20 June 2000.)

Public toilets

2. Mr Fred LI tabled at the meeting a press release from the Democratic Party on the findings of a telephone survey on the hygiene condition of public toilets. (The press release was circularized to members vide Paper No. CB(2)2408/99-00(02) on 20 June 2000.) The findings showed that of the respondents who ever used any public toilets, about 84.9% found the public toilets they used smelly and about 62.6% were dissatisfied with the slippery floors. The findings also showed that of those respondents who had ever used public toilets, only 3.9% considered the hygiene condition of public toilets very satisfactory; 9.8% found them satisfactory; 45.3% regarded them as fair; 13.4% considered them poor while 27.7% found them very poor.

3. Mr Fred LI pointed out that, apart from some people's habit of not flushing after use, another major reason for the stink in public toilets was the blocking of toilets by newspapers and other things that could not be flushed down. The latter was caused by the lack of toilet paper in public toilets, which led people to resort to various substitutes. As there was no cleansing staff stationed in most public toilets, there had not been any improvement to the problem of smelly public toilets for a long time. As regards the provision of toilet paper, Mr LI referred members to paragraph 7 of the Administration's paper, which stated that of the 110 public toilets in the New Territories (NT) and outlying islands, 100 were provided with free toilet paper, but that no toilet paper was provided in those in the urban area. He noted the Administration's plan to provide toilet paper in 23 public toilets located at major urban tourist spots, and asked why the public toilets in the urban area and the NT had been treated differently in the

Action

provision of toilet paper. Mr LI also pointed out that although the standard provisions in a public toilet should include liquid soap dispensers and electric hand dryers as stated in paragraph 4 of the paper, he observed that liquid soap dispensers were often empty while some electric hand dryers were simply out of order due to long-time disrepair. In view of the above problems, Mr LI suggested that the Administration should —

- (a) provide toilet paper in all public toilets;
- (b) strengthen the monitoring system with a view to blacklisting private contractors with poor performance;
- (c) station full-time cleaners even in public toilets with low rates of patronage; and
- (d) conduct publicity to educate the public on the need to be considerate when using public toilets.

4. Regarding the question that the public toilets in the urban area and those in the NT had been treated differently in the provision of toilet paper, Deputy Director of Food and Environmental Hygiene (Environmental Hygiene) (DD/FEH(EH)) explained that this could be traced back to the different policies adopted by the two former provisional municipal councils in this respect. Although the former Provisional Regional Council had set down a policy on public toilets under its management as early as several years before, it was not until last year that the former Provisional Urban Council decided to start providing toilet paper in 23 public toilets located at major urban tourist spots. As for the proposal of stationing cleansing staff in public toilets with medium usage, DD/FEH(EH) said that the Administration would seriously consider the proposal. On the follow-up to problems of empty liquid soap dispensers and inoperable electric hand dryers, DD/FEH(EH) undertook that the contractors concerned would be urged to adhere to their performance pledges by ensuring the availability of liquid soap and the proper functioning of electric hand dryers. Moreover, she would direct the Quality Assurance Teams under FEHD to step up the monitoring. She also pointed out that FEHD would usually make the required repairs within 24 hours after notification of any malfunctioning of facilities in a public toilet. To facilitate members of the public to report defects in the functioning of public toilet facilities and other related problems, the telephone numbers of the respective District Environmental Hygiene Superintendent had been displayed at conspicuous locations both inside and outside public toilets.

5. Mr Fred LI said that since the Administration agreed that it was a good policy to provide free toilet paper in public toilets, he could not understand why this was not provided in all public toilets in the urban area in one go. He added that many people were impatient to use the electric hand dryers, making the floors of public toilets wet and slippery. In view of this, Mr LI asked whether the Administration would consider the possibility of providing paper towels in

Action

public toilets. Mr LI also inquired about the frequency of public toilet inspections conducted by Quality Assurance Teams.

6. DD/FEH(EH) replied that as the provision of toilet paper involved the use of public funds, the Administration must first ascertain the consumption of toilet paper and the types of toilet paper suitable for use in public toilets, before consideration was given to extending the provision of toilet paper to other public toilets. Regarding the frequency of public toilet inspections, DD/FEH(EH) said that in the case of more problematic public toilets, surprise inspections were conducted by Quality Assurance Teams once or twice a day, so that contractors could be asked at the earliest possible time to make improvements. For public toilets with high patronage, cleaners were stationed there to handle problems relating to general cleanliness and toilet facilities. If there was no immediate improvement of the cleanliness and hygiene conditions of a public toilet, FEHD would issue a verbal warning to the contractor concerned. Should the conditions continue to show no improvement, FEHD would impose a fine on the contractor. DD/FEH(EH) pointed out that since FEHD started to step up its inspections of public toilets five months ago, contractors had become more diligent in performing their duties. With regard to the proposal of providing paper towels in public toilets, DD/FEH(EH) said that he had reservation about this because it would not only increase costs, but would also run counter to the principle of environmental protection.

7. In reply to the Chairman's question, DD/FEH(EH) said that no contractors had been fined so far because of unsatisfactory performance.

8. Mr CHAN Wing-chan asked whether the Administration had set down any timetable for the provision of toilet paper in all public toilets, and what the financial implications would be.

9. DD/FEH(EH) replied that the Administration had not set down any timetable for the provision of toilet paper in all public toilets in Hong Kong. However, to achieve the aim of improving public toilet facilities, the Administration would gradually expand the programme at appropriate times subject to the availability of resources. She explained that the 23 public toilets located at major urban tourist spots had been accorded priority in the provision of toilet paper because they had high rates of patronage and were manned by cleansing staff. Regarding the costs of providing toilet paper in public toilets, DD/FEH(EH) said that the provision of toilet paper in the 23 public toilets located at major urban tourists spots would cost about \$1 million a year. She said that it was difficult to estimate the costs of providing toilet paper in all public toilets at this stage, because the consumption of toilet paper would depend on whether people would use it indiscriminately or simply take it away.

10. Mr Fred LI asked whether the Administration would consider cost-saving designs and means to reduce the consumption of toilet paper, for example, distributing toilet paper by cleansing staff stationed in the public toilets. DD/FEH(EH) said that he would explore the feasibility of the proposal.

Action

11. Mr CHAN Wing-chan pointed out that the hygiene conditions of some mobile toilets were very poor, and urged the Administration to make improvements. Senior Superintendent (Cleansing) of the FEHD (SS(C)) said that mobile toilets were usually provided in remote places in the NT and outlying islands, and there was only a small number of them. The Administration had plans to replace these older-design mobile toilets by phases. Where possible, the Administration would replace these with aqua privies.

12. The Chairman asked when the improvement works of the existing 594 aqua privies in the NT and outlying islands would be completed. The Chairman also inquired about the timetable for the Administration's programme to convert aqua privies into flushing toilets in the 22 aqua privies which had been identified as suitable for conversion, and in places where public sewerage systems were available in the vicinity.

13. DD/FEH(EH) replied that the improvement projects for 594 aqua privies in the NT and outlying islands had already been launched in 1995, and were now basically completed. As to when the 22 aqua privies could be converted to flushing toilets, DD/FEH(EH) said that since the conversion works required the co-ordination of the Drainage Services Department (DSD), a concrete timetable for implementation could not be drawn up at this stage. Nevertheless, she undertook to liaise with the DSD to ensure that the conversion works could start as early as possible.

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14. Mr Fred LI asked whether cleansing service contracts would be awarded to bidders quoting the lowest prices. SS(C) replied that, apart from bid prices, the Administration would also consider other factors such as bidders' past performance records, company sizes and experience.

15. Regarding the refurbishment programme for public toilets built before the mid-eighties, Dr LEONG Che-hung asked when the whole refurbishment programme would be completed.

16. DD/FEH(EH) replied that funds had been allocated several years ago to the former Provisional Regional Council for the regular refurbishment of the public toilets under its management. The Administration would follow the programme already set down and carry out refurbishment works for the remaining public toilets in the rural area. As for public toilets in the urban area, DD/FEH(EH) said that some 10 to 20 public toilets would be refurbished every year, and a priority list would be drawn up according to rates of patronage and extent of disrepair. She added that the FEHD would discuss with the Buildings Department (BD) and request it to allocate more resources for the purpose of increasing the number of urban public toilets to be renovated every year. Moreover, DD/FEH(EH) further said that there was no need to draw up any timetable for the refurbishment of public toilets because this was an on-going programme.

Action

Toilets in licensed restaurants

17. Mr Fred LI said that although it was a licensing requirement for restaurant operators to install liquid soap dispensers filled with liquid soap inside the toilets of their restaurants, he observed during site inspections that this requirement was not complied with in most cafés (including those awarded the “five-star” hygiene grading). Besides, food or cooking utensils were also stored in the toilets of many cafés. Mr LI considered this unhygienic, and questioned why the Administration had not taken strict enforcement against the food establishment licensees concerned.

18. DD/FEH(EH) replied that FEHD would instruct Health Inspectors on inspection duties to order licensees to make immediate rectification if the cleanliness and hygiene conditions of their toilets were found not complying with the licensing requirements. Should there be no improvements, strict enforcement would be taken against the licensees.

19. Mr CHAN Wing-chan inquired about the number of prosecutions against licensees failing to comply with the licensing requirements applicable to the toilets of their restaurants. SS(C) replied that in 1999, there were 645 prosecutions concerning the hygiene conditions of food establishments, and these included cases of non-compliance with licensing requirements applicable to toilets.

20. The Chairman pointed out that the toilet compartments of some restaurants were very small. He asked whether there were any planning criteria governing the size of such toilet compartments. SS(C) replied that the minimum size of such toilet compartments was stipulated in the Buildings Ordinance (Cap. 121), but he agreed that the specified size was indeed very small.

21. The Chairman further enquired whether the existing legislation was adequate to ensure compliance by restaurants of the hygiene standards and licensing requirements. SS(C) replied in the affirmative, adding that the licences of repeated offenders could be cancelled.

II. Water dripping from ventilation systems

[Paper No. CB(2)2378/99-00(02)]

22. AD/FEH briefed members on the Administration’s paper [Paper No. CB(2)2378/99-00(02)], which set out the problem of water dripping from ventilating systems and the work of the FEHD in tackling this problem.

23. Mr CHAN Wing-chan expressed concern that complaints made by the public about water seepage from the ceilings of their flats were often of no avail. Since the problem of water seeping down from an upper floor to a lower floor was more annoying than that of dripping air-conditioners, and since the former problem was especially common in some older districts like Sham Shui Po, Mr

Action

CHAN considered that the Administration should draw up effective and appropriate measures expeditiously to tackle the problem.

24. DD/FEH(EH) replied that, complaints about water seepage in private buildings were dealt with mainly by three government departments, namely FEHD, BD and the Water Supplies Department (WSD). Each department would handle complaint cases by exercising the authority conferred on them. On receipt of a complaint about water seepage, FEHD would conduct preliminary investigation. If the problem was caused by the leakage of water pipes or building disrepair, or if the cause could not be ascertained, FEHD would refer the complaint to WSD or BD for follow-up actions. DD/FEH(EH) emphasized that the Administration was concerned about the nuisance of water seepage from ceilings caused to residents. To improve the existing complaints system concerning water leakage inside buildings, FEHD, BD and WSD had been actively studying the problem in the past few months.

25. Mr CHAN further enquired whether the Administration would introduce legislation so that an owner would be prosecuted if water was found seeping down from his unit to the one below. DD/FEH(EH) replied that, if the seepage was sufficient to cause damage or hazard to health, the case could be dealt with summarily under section 127 of the Public Health and Municipal Services Ordinance (Cap. 132), which stipulated that any person who failed to comply with the requirement of a nuisance notice to resolve the leakage problem would be prosecuted. Upon conviction, the person would be liable to a fine. DD/FEH(EH) pointed out that despite the existence of legislation, enforcement difficulties might still be encountered sometimes. For example, it might be difficult to contact the owner of an upper floor which caused water seepage to the floor below, because he might frequently be outside Hong Kong on business, or he might not be staying in Hong Kong for most of the time. Deputy Secretary for the Environment and Food (A) (DS(EF)(A)) added that another problem was the difficulty in ascertaining the source of water seepage.

26. Mr Fred LI noted that as at 31 May 2000, FEHD had received 815 complaints about water dripping from air-conditioners, but only 43 notices had been issued (which accounted for only 5% of all the complaints). Mr LI therefore asked whether this had been caused by any difficulties in enforcing the relevant legislation. Mr LI also said that over the past few years, he had made numerous complaints to the authorities about the problem of water dripping from air-conditioners at Kwun Tong Industrial Centre, but the problem remained unresolved. On the low number of notices issued, DD/FEH(EH) explained that it was because most people were willing to take the advice of FEHD and took prompt action to resolve the problem of water dripping from air-conditioners. She undertook to follow up the problem of water dripping from air-conditioners at Kwun Tong Industrial Centre.

Adm

27. It was mentioned in paragraph 9(c) of the Administration's paper that Government had installed PVC condensation drain pipes adjacent to the air-conditioner hoods in domestic blocks in public housing estates completed after

Action

Adm

1996. Mr Fred LI pointed out that the air-conditioners of end-bay bedrooms of public housing Harmony blocks were not installed with drain pipes for condensation, and he hoped that the Administration would look into this problem. DD/FEH(EH) undertook to follow up the problem with the Housing Department (HD).

28. Mr Fred LI considered that if air-conditioners were equipped with the function of evaporating condensation, the problem of dripping water could be greatly alleviated. He therefore recommended the Electrical and Mechanical Services Department (EMSD) to introduce a Condensation-free Labelling Scheme for air-conditioners similar to the Energy Efficiency Labelling Schemes, so that customers could identify models of air-conditioner that were condensation-free. DD/FEH(EH) replied that the Administration had discussed this with EMSD. EMSD opined that the adoption of condensation-free labelling could not solve the problem of dripping water, and a more practical and effective approach should be to encourage architects, developers and the public to use air-conditioners capable of automatically evaporating condensation. While EMSD could draw up regulations on electrical appliances for protection of public safety, it could not introduce legislation to prohibit importers of electrical appliances from importing air-conditioners not equipped with the function of automatic evaporation of condensation.

29. Dr LEONG Che-hung said that it was more appropriate for Mutual Aid Committees, Owners' Corporations and property management agencies to directly handle the problems of water dripping from air-conditioners and water seepage in buildings. Dr LEONG asked if the relevant legislation could be amended, so that Mutual Aid Committees, Owners' Corporations and property management agencies could be entrusted with the responsibilities of dealing with these problems.

Adm

30. DD/FEH(EH) shared Dr LEONG's view and agreed to actively consider the feasibility of implementing such a proposal. DS(EF)(A) added that, as some buildings did not have an Owners' Corporation, the Environment and Food Bureau would need to discuss with the Home Affairs Department the feasibility of entrusting the occupants/owners to handle problems of water dripping from air-conditioners and water seepage from ceilings.

31. The Chairman referred members to Annex A of the Administration's paper, which provided a flow chart on the process for handling complaints relating to water dripping nuisance from air-conditioners. He asked why health inspectors of FEHD had to re-visit the premises to ensure that the water dripping problem had been resolved after the case was filed to the court. SS(C) explained that FEHD had to follow-up on the court judgement and check whether the complainants had resolved the problem of dripping water. Should there be any further irregularities, FEHD could apply for the issuing of another nuisance notice.

Action

32. Regarding continuous contravention of section 127(3) of the relevant Ordinance and failure to conduct the required improvements works to tackle the water dripping problem within the specified period, Mr CHAN Wing-chan asked whether the penalty for this would still be an additional fine of \$200 a day.

33. SS(C) replied that if there was continuous contravention on the part of the person causing the nuisance, the Administration might issue another nuisance notice apart from imposing an additional fine of \$200 per day. Any person who failed to comply with the requirements of the notice would be prosecuted, and liable to a maximum fine of \$10,000 upon conviction.

34. Mr Fred LI asked if there were any legislation to deal with the problem of water dripping from laundry racks and flower racks. SS(C) replied that existing legislation did not provide for such regulation in this respect. DD/FEH(EH) considered that a more effective solution would be to enhance civic-mindedness of the public through publicity, and to encourage architects and developers to have regard to the problem in building design.

III. Any other business

[Paper No. CB(2)2378/99-00(03)]

35. Members noted the paper prepared by the LegCo Secretariat [Paper No. CB(2)2378/99-00(03)] on the outstanding items for discussions in this session. Since this was the last meeting of the Subcommittee in the current session, the Chairman suggested that the outstanding items be followed up by the new LegCo. The Chairman also suggested to include the problem of water seepage from ceilings in housing units to the list of outstanding items for the new LegCo to decide on the follow up actions. Members agreed.

36. The Chairman thanked all Members and representatives from the Administration for their support and contribution to the Subcommittee.

37. There being no other business, the meeting ended at 10:15 am.

Legislative Council Secretariat

12 October 2000