

For information

**LEGISLATIVE COUNCIL
PANEL ON DEVELOPMENT**

**Building (Standards of Sanitary Fitments, Plumbing,
Drainage Works and Latrines) Regulations (Cap. 123I)**

BACKGROUND

At the meeting held on 28 February 2012, Members considered LC Paper No. CB(1)1116/11-12(09) which outlined the Administration's proposals for amending the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap. 123I, (the Regulations), including a proposal for increasing the provision of female sanitary fitments in public places. Following discussion, Members requested the Administration to –

- (a) provide information on the existing situations, and the situations after enhancement in the standards in the provision of sanitary fitments (i.e. the respective number of water closets and urinals) in male and female toilets for various public places, including cinemas, theatres, shopping centres, department stores, restaurants and places of public entertainment; and
 - (b) provide a written response on whether the proposed enhancement in the standards of provision of sanitary fitments in female toilets would constitute gender discrimination from a legal perspective as the proposed enhancement may have impact on the waiting time for male in using male toilets in public places.
2. This paper provides the information requested.

COMPARISON OF PROVISION OF MALE AND FEMALE SANITARY FITMENTS UNDER EXISTING AND PROPOSED STANDARDS

3. Under the Regulations, the provision of male and female sanitary fitments in private buildings is based on the assessed numbers of male and female users of the premises. For places of public entertainment and cinemas, the present Regulations prescribe, for the purpose of determining the provision of male and female sanitary fitments, a ratio of 1:1 for assessing the numbers of male and female in the premises.

4. In view of the long waiting time and queues often found outside female toilets in public places, and having regard to public aspirations for enhancing the provision of female sanitary fitments in such places, the Administration has proposed to raise the male to female ratio from the statutory 1:1 to 1:1.5 for assessing the numbers of male and female in shopping centres, department stores, cinemas and places of public entertainment, thereby increasing the provision of sanitary fitments for female. As requested by Members at the meeting on 28 February 2012, a comparison table showing the differences between the existing statutory requirements and proposed standards for the provision of sanitary fitments in cinemas, theatres, shopping centres, department stores and places of public entertainment is at the Annex. There will be no change in the level of provision in restaurants.

EQUITY OF TREATMENT FOR MALE AND FEMALE USERS

5. In proposing the amendments to the Regulations, we have taken into account the empirical findings of surveys conducted on the provision of sanitary fitments in various public places, the level of usage, queuing time, usage time and level of satisfaction. The proposed ratio of 1:1.5 is also comparable to the projected gender ratio (1:1.4) of the population in 2041, as published by the Census and Statistics Department.

6. In accordance with Members' suggestion, we have carefully examined whether the proposed increase in provision of sanitary fitments for female would result in discrimination against male. In this connection, it should be noted that the proposed standards have duly taken into account the

physiological differences between men and women, as well as the differences in the duration and frequency of use of sanitary fitments by men and women. The proposed increase in the numbers of water closet fitments for female persons is also supported by empirical findings. Thus the access to the sanitary facilities enjoyed by male users after implementation of the proposed amendments would not be of a lower standard than that enjoyed by female users. The proposed improvement in the level of provision for female sanitary fitments also will unlikely result in a situation where, on average, men will have to wait longer than female for the use of toilets in public places. In this light, and after careful examination of the proposed legislative amendments and the relevant justifications, the Department of Justice has advised that the proposed enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of men, and hence should not give rise to allegations of gender discrimination.

WAY FORWARD

7. We are expediting preparations for amending the Regulations which, as Members are aware, cover a very extensive scope. Meanwhile, the Buildings Department is refining the “Practice Note for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers” along the lines of the legislative amendments, in order to promote early implementation of the enhanced standards for the provision of female sanitary fitments in public places. The revised Practice Note will be issued shortly.

Development Bureau
November 2012

Comparison of the Numbers of Sanitary Fitments prescribed in the extant Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations and those proposed in the Amendment Regulations

(A) Shopping Centres 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 (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulation
		No. of Persons ¹	No. of Water Closets	No. of Urinals		No. of Persons ²	No. of Water Closets	No. of Urinals	Male	Female	
500	M	17	1	1	M	67	1	1	0%		1:1.5
	F	17	2		F	100	3			+50%	
1500	M	50	2	1	M	200	2	1	0%		1:2
	F	50	3		F	300	6			+100%	
2500	M	83	4	2	M	333	3	2	-17%		1:1.6
	F	83	5		F	500	8			+60%	
3500	M	117	5	3	M	467	4	2	-25%		1:1.8
	F	117	6		F	700	11			+83%	
5000	M	167	6	4	M	667	5	3	-20%		1:1.8
	F	167	8		F	1000	14			+75%	
30000	M	1000	22	20	M	4000	18	16	-19%		1:2.1
	F	1000	41		F	6000	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.

(B) Cinemas

Example Seating Capacity	Number of Sanitary Fitments (SF) prescribed in the extant Regulations				Number of SF proposed in the Amendment Regulations				Increase/ Decrease in Provision of SF (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulations
		No. of Persons ³	No. of Water Closets	No. of Urinals		No. of Persons ⁴	No. of Water Closets	No. of Urinals	Male	Female	
250	M	125	1	2	M	100	1	1	-33%		1:2
	F	125	2		F	150	4			+100%	
350	M	175	1	2	M	140	1	2	0%		1:1.7
	F	175	2		F	210	5			+150%	
500	M	250	2	3	M	200	1	2	-40%		1:2
	F	250	2		F	300	6			+200%	
600	M	300	2	3	M	240	2	3	0%		1:1.4
	F	300	3		F	360	7			+133%	
750	M	375	2	4	M	300	2	3	-17%		1:1.6
	F	375	3		F	450	8			+167%	
1000	M	500	2	5	M	400	2	4	-14%		1:1.5
	F	500	3		F	600	9			+200%	

³The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.

⁴The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.

(C) Places of Public Entertainment

Example Seating Capacity	Number of Sanitary Fitments (SF) prescribed in the extant Regulations				Number of SF proposed in the Amendment Regulations				Increase/ Decrease in Provision of SF (%)		Ratio of Male SF to Female SF proposed in the Amendment Regulations
		No. of Persons ⁵	No. of Water Closets	No. of Urinals		No. of Persons ⁶	No. of Water Closets	No. of Urinals	Male	Female	
200	M	100	1	2	M	80	1	2	0%		1:2
	F	100	2		F	120	6			+200%	
600	M	300	3	6	M	240	3	5	-11%		1:1.6
	F	300	5		F	360	13			+160%	
1000	M	500	5	10	M	400	4	8	-20%		1:1.6
	F	500	7		F	600	19			+171%	
2000	M	1000	7	20	M	800	6	16	-19%		1:1.5
	F	1000	12		F	1200	34			+183%	
3000	M	1500	9	30	M	1200	8	24	-18%		1:1.5
	F	1500	17		F	1800	49			+188%	
10000	M	5000	23	100	M	4000	19	80	-20%		1:1.6
	F	5000	52		F	6000	154			+196%	

⁵The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.

⁶The population of the premises is based on actual seating capacity and the ratio of male to female is 1:1.5.