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Panel on Development

Meeting on 19 December 2014

**Background brief on the proposed amendments to
the Building (Standards of Sanitary Fitments, Plumbing,
Drainage Works and Latrines) Regulations (Cap. 123I)**

Purpose

This paper provides background information on the proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations ("the Regulations") (Cap. 123I). It also summarizes the views and concerns expressed by Members on the subject at the meetings of the Legislative Council ("LegCo") and the Development Panel ("DEV Panel") since the 2010-2011 legislative session.

Background

2. Enacted in 1959, the Regulations set out the minimum standards for the provision of sanitary fitments, plumbing and drainage works in private buildings. According to the Administration¹, the existing Regulations have become outdated and inflexible to cater for the advancement in building technology, therefore the Buildings Department ("BD") has conducted a comprehensive review on the Regulations and proposed to make substantial amendments to the Regulations.

¹ Source: The Administration's paper on "Proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap 123I" (LC Paper No. CB(1)1116/11-12(09))

Proposed amendments to the Regulations

3. The Administration briefed DEV Panel on 28 February 2012 on the proposed amendments to the Regulations, which included deleting obsolete provisions, improving the provision of sanitary fitments (in particular, increasing the provision of waterclosets in female toilets in shopping arcades, cinemas, etc.) and replacing the existing prescriptive standards by performance-based requirements to cater for new building technology. Members also raised a number of questions concerning the subject at the Council meetings between 2011 and 2012.

Increasing the provision of female sanitary fitments in public places

4. When DEV Panel discussed the proposed amendments in February 2012, members in general supported the Administration's proposal for increasing the provision of female sanitary fitments in public places. They urged the Administration to amend the Regulations as early as practicable in order to alleviate the inadequate provision of female sanitary fitments in public places as evidenced by the long queues found outside the lavatories.

5. The Administration has responded that given the complexity of the amendment exercise, adequate lead-time would be required for the works. In the meantime, BD updated the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers ("Practice Note") in November 2012 to promote an early and voluntary implementation of the enhanced standards for the provision of female sanitary fitments in public places. The Practice Note recommends the ratio for assessing the number of male to female persons in the building concerned ("male to female ratio")² to be 1:1 for office accommodation and 1:1.5 for shopping arcades and department stores, cinemas and places of public entertainment. The Practice Note also provides guidelines on the minimum space requirements for various sanitary facilities in public places.

6. Some members have urged the Administration to further enhance the male to female ratio, so that more female sanitary fitments could be provided in public places. The Administration has advised that it has endeavoured to strike a balance between distinctive needs of both genders in formulating the proposed male to female ratio. BD has conducted a comprehensive review involving empirical surveys of the provision of

² Under the Regulations, the provision of male and female sanitary fitments in a building is based on the assessed number of male and female persons in the building concerned.

sanitary fitments in various public places, the level of usage, queuing and usage time and level of user satisfaction, as well as a study of the standards adopted in overseas places. A formula has also been worked out to determine the number of male and female sanitary facilities to be provided.

7. Given that the enhanced standards set out in the proposed amendments would be applicable to the newly-completed buildings only, some members have requested the Administration to carry out improvement works in the existing Government facilities to bring them into full compliance with the enhanced standards. The Administration has explained that the proposed legislative amendments would have no retrospective effect, therefore the enhanced standards would not be applicable to the existing buildings. Moreover, the physical constraints of the existing buildings might make it difficult to carry out the improvement works.

8. In response to members' concerns on whether the proposed increase in the provision of female sanitary fitments would result in discrimination against male, the Administration has advised that it has sought legal advice on the issue. After careful examination of the proposed legislative amendments and the relevant justifications, the Department of Justice has concluded that the proposed enhancement in the level of provision of female sanitary fitments in public places should not lead to less favourable treatment of male, hence the amendments should not give rise to allegations of gender discrimination³.

Gender-neutral facilities in public places

9. Some members note that lavatories in public places do not have sufficient facilities for family members of different genders to take care of infants, the elderly and children in using lavatories. They have suggested the Administration to require the premises owners to provide separate baby-sitting and breast-feeding facilities and stand-alone unisex sanitary facilities.

10. In reply, the Administration has advised that the Regulations do not govern the provision of baby care facilities in public places. Nevertheless, BD has revised the Practice Note and encouraged the building industry to provide sanitary facilities suitable for the use of children and unisex lavatories in public places to cater for the needs of various users.

³ Source: The Administration's paper on "Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" (LC Paper No. CB(1)200/12-13(01))

Latest development

11. According to the Administration⁴, the legislative exercise to amend the Regulations is complex and involves consequential amendments to a number of pieces of subsidiary legislation. In view of the complexity of the amendment exercise and public aspirations for an early implementation of the proposed amendments, the Administration will adopt a two-stage approach in taking forward the amendment exercise. At the first stage, the Regulations will be amended to enhance the statutory standards for the provision of sanitary fitments in public places, whereas other amendments (e.g. enhancement of the requirements on the construction of the drainage system) will be dealt with at the second stage.

12. The scope of the first-stage amendments will include the followings:

- (a) Under the Regulations, buildings are classified by their uses for the purpose of determining the number of sanitary fitments to be provided. In order to cover the increased diversity of uses in buildings, three new categories of building use (i.e. sports stadiums, shopping arcades and department stores, and religious institutions and funeral parlours) will be introduced in addition to the existing five categories⁵.
- (b) To increase the number of female sanitary fitments to be provided, the male to female ratio for shopping arcades and department stores, cinemas and places of public entertainment will be revised from the present 1:1 to 1:1.5, while the corresponding ratio for office accommodation will be adjusted from the present 2:1 to 1:1.
- (c) As the existing standards for the provision of sanitary fitments in restaurants do not take into account the size of restaurants, it could be onerous for small establishments. The Administration proposes to rationalize the standards by relaxing the requirements for the provision of sanitary fitments for small establishments and refining such requirements for large restaurants.

⁴ Source: The Administration's paper on "Progress Update of the Proposed Amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" (LC Paper No. CB(1)253/14-15(01))

⁵ The existing five categories are (a) residential buildings, (b) offices, industrial undertakings and other places of work, (c) places of public entertainment, (d) cinemas, and (e) restaurants.

13. According to the latest plan of the Administration⁶, the Amendment Regulations covering the first-stage amendments will be tabled at LegCo in early 2015. The Administration will brief DEV Panel on 19 December 2014 on its legislative exercise to amend the Regulations.

Relevant papers

14. A list of relevant papers with their hyperlinks is in the **Appendix**.

Council Business Division 1
Legislative Council Secretariat
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⁶ Source: The Administration's paper on "Progress Update of the Proposed Amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" (LC Paper No. CB(1)253/14-15(01))

**The proposed amendments to
the Building (Standards of Sanitary Fitments, Plumbing,
Drainage Works and Latrines) Regulations (Cap. 123I)**

List of relevant papers

Council/Committee	Date of meeting	Paper
Council meeting	2 March 2011	<p>Hansard -- written question (No. 10) on "Provision of Gender-sensitive Facilities in Public Toilets" (p. 6157 - 6158) http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0302-translate-e.pdf</p>
Council meeting	8 June 2011	<p>Hansard -- written question (No. 19) on "Provision of Female Toilets in Public Places" (p. 11607 - 11609) http://www.legco.gov.hk/yr10-11/english/counmtg/hansard/cm0608-translate-e.pdf</p>
Panel on Development	28 February 2012	<p>Administration's paper on "Proposed amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations, Cap 123I" [LC Paper No. CB(1)1116/11-12(09)] http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-1116-9-e.pdf</p> <p>Administration's paper on "Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" [LC Paper No. CB(1)200/12-13(01)] http://www.legco.gov.hk/yr11-12/english/panels/dev/papers/dev0228cb1-200-1-e.pdf</p> <p>Minutes of meeting [LC Paper No. CB(1)1874/11-12] http://www.legco.gov.hk/yr11-12/english/panels/dev/minutes/dev20120228.pdf</p>

Council/Committee	Date of meeting	Paper
Council meeting	7 November 2012	Hansard -- oral question (No. 5) on "Toilets in Public Places" (p. 1420 - 1430) http://www.legco.gov.hk/yr12-13/english/counmtg/hansard/cm1107-translate-e.pdf
Panel on Development	25 November 2014	Administration's paper on "Progress Update of the Proposed Amendments to the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations (Cap. 123I)" [LC Paper No. CB(1)253/14-15(01)] http://www.legco.gov.hk/yr14-15/english/panels/dev/papers/devcb1-253-1-e.pdf