



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

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By Fax (2801 5034)

29 May 2017

Mr Vitus NG
Prin AS (Works)3
Development Bureau
15/F, West Wing
Central Government Offices
2 Tim Mei Avenue, Tamar
Hong Kong

Dear Mr NG,

Waterworks (Amendment) Regulation 2017 (L.N. 81)

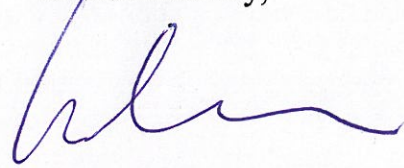
We are scrutinizing the legal and drafting aspects of L.N. 81 and should be grateful for your clarification on the issue set out below.

The new regulation 19A of the Waterworks Regulations (Cap. 102A) as added by section 6 of L.N. 81 provides that if Part 3 of or Schedule 2 to Cap. 102A is amended by a specified enactment, no person is required to alter or renew a pipe or fitting installed before the enactment comes into operation merely because, on the coming into operation of the enactment, the pipe or fitting does not comply with a requirement introduced by the enactment. A specified enactment means L.N. 81 or any other enactment that comes into operation after the commencement date of L.N. 81.

Under the current regulation 19(3) of Cap. 102A, a person might still be required to alter or renew a pipe or fitting installed before the commencement of the Waterworks (Amendment) (No. 2) Regulation 1992 (L.N. 320 of 1992) that amended Part 3 of or Schedule 2 of Cap. 102A if the Water Authority considered that such pipe or fitting was so defective or in such condition as to cause, or be likely to cause, waste, undue consumption or pollution of the supply. Please explain the rationale for the disparity between the provisions.

I would be grateful if you could let me have your reply in bilingual form before close of play on 2 June 2017.

Yours sincerely,



(Wendy KAN)
Assistant Legal Adviser

c.c. DoJ (Attn: Miss Selina LAU and Miss Wendy HO (By Fax: 3918 4613))
Clerk to the Subcommittee
LA
SALA3