

立法會
Legislative Council

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Tel : 3919 3306

Date : 31 January 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 7 February 2018

Amendments to Waterworks (Amendment) Bill 2017

The Second Reading debate on the above Bill will be resumed at the Council meeting of 7 February 2018. Subject to the Bill receiving Second Reading, the President has given permission for the Secretary for Development to move amendments to the Bill.

2. As directed by the President, the amendments are attached for Members' consideration.

(Boris LAM)
for Clerk to the Legislative Council

Encl.

Waterworks (Amendment) Bill 2017

Committee Stage

Amendments to be moved by the Secretary for Development

<u>Clause</u>	<u>Amendment Proposed</u>
1	In the heading, by deleting “ and commencement ”.
1	By deleting subclause (2).
6	By adding— “(3A) Section 14— Repeal subsection (3) Substitute “(3) The construction or installation of, or alteration to, a fire service or inside service must be carried out in the prescribed way and the pipes and fittings used in the construction, installation or alteration must be of the prescribed nature, size and quality.”.”.
6(4)	By deleting the proposed section 14(4) and substituting— “(4) If subsection (3) is contravened in relation to the construction or installation of, or alteration to, a fire service or inside service, or any part of it (<i>the works</i>), each of the following persons commits an offence— (a) a licensed plumber under whose instruction and supervision the works are carried out; (b) a licensed plumber who carries out the works; (c) if a written permission for the works was granted under subsection (2A) on the application of a licensed plumber who is not a plumber described in paragraph (a) or (b)—the licensed plumber; (d) a person (other than a licensed plumber)— (i) under whose instruction and supervision the works

are carried out; and

- (ii) who knows that carrying out the works would contravene subsection (3);
- (e) a person (other than a licensed plumber) who—
 - (i) carries out the works; and
 - (ii) knows that carrying out the works would contravene subsection (3).”.

6(4) In the proposed section 14(5)(a) and (b)(i), by deleting “construction or installation” and substituting “works”.

6(4) In the proposed section 14(6), by adding “or (c)” after “(4)(a)”.

6(4) In the proposed section 14(6), by deleting “construction or installation (*the works*) as often as was reasonable to ensure that the works were carried out in compliance with this Ordinance” and substituting “works as often as was reasonable to ensure that the works were carried out in compliance with subsection (3)”.

7 By deleting subclause (3) and substituting—

“(3) Section 15—

Repeal subsection (2)

Substitute

- “(2) A person who is not a designated person may carry out specified plumbing works if the works are—
- (a) alterations or repairs to a fire service or inside service that are, in the opinion of the Water Authority, of a minor nature;
 - (b) construction work on a construction site carried out in accordance with section 3(2), 3A or 4 of the Construction Workers Registration Ordinance (Cap. 583); or
 - (c) construction work exempted from sections 3(2), 3A and 4 of that Ordinance under section 4, 7 or 8 of the Construction Workers Registration (Exemption) Regulation (Cap. 583 sub. leg. C).”.

7(4) In the proposed section 15(4), by adding “that do not fall within

subsection (2)(a), (b) or (c)” after “works”.

7(4) In the proposed section 15(6), by adding in alphabetical order—

“**construction site** (建造工地) has the meaning given by section 2(1) of the Construction Workers Registration Ordinance (Cap. 583);

construction work (建造工作) has the meaning given by section 2(1) of the Construction Workers Registration Ordinance (Cap. 583);”.

8 In the heading, by deleting “**Section 15A**” and substituting “**Sections 15AA and 15A**”.

8 By adding—

“15AA. Alterations or repairs not considered as of minor nature

For the purposes of sections 14(2) and 15(2)(a), alterations or repairs to a fire service or inside service must not be considered as of a minor nature if the alterations or repairs would, in the opinion of the Water Authority, adversely affect—

- (a) the efficiency of the fire service or inside service in providing a reliable and adequate supply of water; or
- (b) the quality of the water.”.

8 In the proposed section 15A(2)(a), by adding “or make video recordings” after “photographs”.

8 In the proposed section 15A, by adding—

“(6A) A person is not excused from complying with a requirement under subsection (2) only on the ground that to do so might tend to incriminate the person.”.

9 In the proposed section 18A, by deleting “the defence” and substituting “a defence under this Part”.

10 In the proposed section 36A(1), by deleting “A prosecution” and substituting “Subject to subsection (1A), a prosecution”.

- 10 In the proposed section 36A, by adding—
- “(1A) For a contravention of section 14(3) in relation to the construction or installation of, or alteration to, a fire service or inside service, or any part of it (*the works*)—
- (a) if an application for inspection and approval of the fire service or inside service, or alteration, has been made under regulation 6(1)(a) or (2) of the Waterworks Regulations (Cap. 102 sub. leg. A)—no prosecution may be commenced if the contravention is discovered by, or comes to the notice of, the Water Authority after 6 years after the date of the application; or
 - (b) if the works are alterations falling within section 14(2)—no prosecution may be commenced if the contravention is discovered by, or comes to the notice of, the Water Authority after 6 years after the date of the contravention.”.
- 12 In the proposed section 40(3), by adding “, or alteration to,” after “installation of”.
- 12 In the proposed Schedule, in Part 1, in section 1, by deleting “or the installation of a meter”.
- 12 In the proposed Schedule, in Part 1, by adding—
- “3. For the installation of a meter, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—
- (a) a registered skilled worker for the plumber trade division;
 - (b) a registered skilled worker for the drain and pipe layer (master) trade division;
 - (c) a registered skilled worker for the fire service mechanic (master) trade division;
 - (d) a registered skilled worker for the fire service mechanical fitter trade division;
 - (e) a registered semi-skilled worker for the plumber trade division; or
 - (f) a registered semi-skilled worker for the fire service

mechanical fitter trade division.”.

12 In the proposed Schedule, in Part 2, in section 1, by deleting “or the installation of a meter”.

12 In the proposed Schedule, in Part 2, by adding—

“3. For the installation of a meter, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—

- (a) a registered skilled worker (provisional) for the plumber trade division;
- (b) a registered skilled worker (provisional) for the drain and pipe layer (master) trade division;
- (c) a registered skilled worker (provisional) for the fire service mechanical fitter trade division;
- (d) a registered semi-skilled worker (provisional) for the plumber trade division; or
- (e) a registered semi-skilled worker (provisional) for the fire service mechanical fitter trade division.”.

14(2) In the English text, by deleting “alteration of” and substituting “alteration to”.