

立法會

Legislative Council

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Paper for the House Committee meeting on 1 December 2017

Report of the Subcommittee on Waterworks (Amendment) (No. 2) Regulation 2017

Purpose

This paper reports the deliberations of the Subcommittee on Waterworks (Amendment) (No. 2) Regulation 2017 ("the Subcommittee").

Background

2. The Waterworks (Amendment) Regulation 2017 (L.N. 81 of 2017) ("the Amendment Regulation") was published in the Gazette on 19 May 2017 and tabled at the Legislative Council ("LegCo") on 24 May 2017 to revise the requirements relating to pipes or fittings installed in fire services or inside services provided under the Waterworks Regulations (Cap. 102A) ("WWR"). As explained by the Administration, the amendments under the Amendment Regulation had taken into account the recommendations made in the Report of the Commission of Inquiry into Excess Lead Found in Drinking Water.

3. A subcommittee was formed in May 2017 to scrutinize the Amendment Regulation. In response to the views and suggestions of members of the Subcommittee on Waterworks (Amendment) Regulation 2017¹, the Administration gave notice to move a motion ("the motion") at the Council meeting of 12 July 2017 to propose amendments to the Amendment Regulation ("the proposed amendments"). However, the motion could not be dealt with by the Council before the expiry of the period within which LegCo might amend the Amendment Regulation.

¹ Please refer to the Report of the Subcommittee on Waterworks (Amendment) Regulation 2017 (LC Paper No. CB(1)1255/16-17) for details of the Subcommittee's deliberations.

The Amendment Regulation came into operation on 14 July 2017 without any amendments.

Waterworks (Amendment) (No. 2) Regulation 2017

4. The Waterworks (Amendment) (No. 2) Regulation 2017 (L.N. 165 of 2017) ("the Amendment (No. 2) Regulation") is made by the Chief Executive in Council under section 37 of the Waterworks Ordinance (Cap. 102) to incorporate the proposed amendments in the motion into WWR. The Amendment (No. 2) Regulation was gazetted on 13 October 2017 and tabled at the Council meeting of 18 October 2017. It comes into operation on 8 December 2017.

5. The amendments to WWR in the Amendment (No. 2) Regulation are exactly the same as the proposed amendments in the motion mentioned in paragraph 3 above. These amendments include:

- (a) setting out the conditions that must be met before the Water Authority approves the installation of a pipe or fitting that does not comply with a prescribed specification set out in Schedule 2 to Cap. 102A;
- (b) deleting cast iron from the relevant prescribed specifications set out in Part 1 of Schedule 2 to Cap. 102A to the effect that pipes and pipe flanges made of cast iron cannot be used in any pipe or fitting installed in fire services or inside services; and
- (c) stipulating that the prescribed specifications under Part 4 of Schedule 2 to Cap. 102A only apply to a water heater used for heating water not intended for human consumption, and related pipes and fittings.

The Subcommittee

6. At the meeting of the House Committee on 20 October 2017, Members agreed to form a subcommittee to study the Amendment (No. 2) Regulation. Hon Tommy CHEUNG Yu-yan was elected as Chairman of the Subcommittee. The membership list of the Subcommittee is in **Appendix I**.

7. To allow more time for the Subcommittee to study the Amendment (No. 2) Regulation, the Subcommittee agreed that the Chairman should move a motion to extend the scrutiny period of the subsidiary legislation to the Council meeting of 6 December 2017. However, the motion could not be dealt with at the Council meeting of 15 November 2017 before the adjournment of the meeting. As such, the period for amending the Amendment (No. 2) Regulation expired at the Council meeting of 15 November 2017.

8. The Subcommittee has held two meetings to meet with the Administration and received views from deputations. A list of the organizations and individual which/who have submitted views to the Subcommittee is in **Appendix II**.

Deliberations of the Subcommittee

9. Members in general support the Amendment (No. 2) Regulation. In the course of deliberations, members have taken the opportunity to get an update on the progress of actions taken by the Administration in response to issues arising from the deliberations of the Subcommittee on Waterworks (Amendment) Regulation 2017.

Hot water dispensers and water pumps

10. The Subcommittee on Waterworks (Amendment) Regulation 2017 considered it necessary to regulate hot water dispensers/water heaters supplying drinking water and booster pumps under WWR. In the scrutiny of the Amendment (No. 2) Regulation, Dr Hon Helena WONG has enquired about the progress of the Administration's review on the regulation of these two items. The Administration has advised that it is studying the matters related to these two items and it will consult relevant stakeholders in 2018. At present, the Administration does not have any plan to introduce a separate bill for regulating hot water dispensers.

Prefabricated modules in public building projects

11. Members have noted the initiative in the Chief Executive's 2017 Policy Address and Policy Agenda about the production and use of prefabricated modules in public building projects, such as Modular Integrated Construction ("MiC"), and the Administration's advice that such prefabricated modules will be pre-installed with water pipes/plumbing installations before they are transported to construction sites for installation. In this regard, Dr Hon Helena WONG has sought details about how the Administration will regulate pre-installed water

pipes/plumbing installations given that the prefabricated modules are usually manufactured outside Hong Kong, and whether and when the Hong Kong Housing Authority ("HA")/Housing Department ("HD") will use prefabricated modules in the constructions of public housing units.

12. The Administration has advised that at present, Hong Kong has a well-established monitoring system over prefabricated products. Under the current practice, project supervisors will carry out spot checks on the prefabricated products manufactured in the off-site yard in or outside Hong Kong to ensure compliance with regulatory and contractual requirements. After the prefabricated products have been delivered to the site, the project supervisors will also carry out inspections before approving the implementation of works. When the project is completed, the contractors will carry out various tests under the supervision of project supervisors to ensure that the quality of works has complied with the related requirements. The concerned authorities will also conduct inspections and tests to safeguard public interest. MiC has been widely adopted in the Mainland and advanced overseas countries including the United Kingdom, the United States, Singapore etc. for a number of years. Monitoring requirements over the technical performance and quality control on MiC have been developed up to the world class standards.

13. The Administration has further advised that as MiC is an innovative construction method in Hong Kong, the Administration will implement pilot schemes by adopting MiC in public projects. With the aids of the experience and data gained in the pilot projects, the Administration aims to enhance and make good the regulatory requirements and code of practices for MiC. At this stage, for the pilot projects, the Administration will carry out the regulatory and supervisory work on the basis of the relevant existing requirements.

14. On members' concern about the quality of works of MiC, the Administration has advised that when formulating the related regulatory requirements, it will consider carefully and make reference to the relevant practices in other advanced regions. HA/HD has no pre-installed sanitary fitments and water pipes in current volumetric precast units after a pilot conducted at Kai Tak Site 1A, i.e. Kai Ching Estate, in 2012. They will continue to study prefabrication technologies, including the MiC concept and other construction methods, which will be applied to public housing construction with a view to enhancing quality, safety and efficiency.

15. Regarding Dr Hon Helena WONG's concern about the criminal liabilities, if any, of licensed plumbers in Hong Kong for non-compliance of the relevant requirements relating to water pipes/plumbing fittings which have been pre-installed in prefabricated modules outside Hong Kong before they are imported to Hong Kong, the Administration has undertaken to provide a written response to the Subcommittee and, where appropriate, the Panel on Development.

Advice sought

16. Members are invited to note the deliberations of the Subcommittee as set out above.

Council Business Division 1
Legislative Council Secretariat
29 November 2017

Subcommittee on Waterworks (Amendment) (No. 2) Regulation 2017

Membership list

Chairman	Hon Tommy CHEUNG Yu-yan, GBS, JP
Members	Hon Jeffrey LAM Kin-fung, GBS, JP Hon Mrs Regina IP LAU Suk-yee, GBS, JP Hon LEUNG Che-cheung, SBS, MH, JP Hon Alice MAK Mei-kuen, BBS, JP Dr Hon KWOK Ka-ki Dr Hon Helena WONG Pik-wan Ir Dr Hon LO Wai-kwok, SBS, MH, JP Hon Andrew WAN Siu-kin Hon CHU Hoi-dick Dr Hon Junius HO Kwan-yiu, JP Hon SHIU Ka-fai Hon CHAN Chun-ying Hon LAU Kwok-fan, MH (Total : 14 members)
Clerk	Mr Derek LO
Legal Adviser	Ms Wendy KAN

Subcommittee on Waterworks (Amendment) (No. 2) Regulation 2017

**List of organizations and individual which/who have given views
to the Subcommittee**

1. Hong Kong Licensed Plumbers Union Limited
2. Hong Kong Licensed Plumbing Professionals Association Limited
3. Mr LEUNG Kwok-hung
4. Plumbing Technology Student Association
5. Registered Minor Works Contractor Signatory Association Limited
6. The Association of Registered Fire Service Installation
Contractors of Hong Kong Limited
7. The Chartered Institute of Plumbing and Heating Engineering –
Hong Kong Branch
8. The Hong Kong Institution of Engineers