

立法會
Legislative Council

LC Paper No. CB(1)2223/05-06
(These minutes have been seen
by the Administration)

Ref: CB1/SS/4/05

**Subcommittee to Study the
Proposed Resolution on Increase of Fines in
Waterworks Ordinance and Waterworks Regulations**

**Minutes of the first meeting on
Friday, 21 July 2006, at 10:45 am
in Conference Room B of the Legislative Council Building**

- Members present** : Hon Fred LI Wah-ming, JP (Chairman)
Hon LEE Wing-tat
Hon CHEUNG Hok-ming, SBS, JP
- Members absent** : Hon SIN Chung-kai, JP
Hon Audrey EU Yuet-mee, SC, JP
- Public officers attending** : Mr James S O CHAN
Principal Assistant Secretary for the Environment,
Transport and Works (Works)
- Mr Bobby M T NG
Assistant Director of Water Supplies/Development
- Mr W K KAM
Senior Engineer
Water Supplies Department
- Ms Rayne C H CHAI
Government Counsel
Department of Justice
- Clerk in attendance** : Ms Anita SIT
Chief Council Secretary (1)4

Staff in attendance : Ms Connie FUNG
Assistant Legal Adviser 3

Mr WONG Siu-ye
Senior Council Secretary (1)7

Action

I Election of Chairman

Mr Fred LI was elected Chairman of the Subcommittee.

II Meeting with the Administration

- | | | |
|----------------------------------|----|---|
| (LC Paper No. CB(3)641/05-06 | -- | Proposed Resolution under section 100A of the Interpretation and General Clauses Ordinance (Cap. 1) to be moved by the Secretary for the Environment, Transport and Works |
| Legislative Council Brief | -- | Legislative Council Brief on "Revisions to Fines Provisions in the Waterworks and the Waterworks Regulations" |
| LC Paper No. LS87/05-06 | -- | Legal Service Division Report |
| LC Paper No. CB(1)2030/05-06(01) | -- | Marked-up copy of the proposed Resolution under section 100A of the Interpretation and General Clauses Ordinance (Cap. 1) |
| LC Paper No. CB(1)2030/05-06(02) | -- | Relevant provisions under the Waterworks Ordinance (Cap. 102) and the Waterworks Regulations (Cap. 102 sub. leg. A) |

2. The Subcommittee deliberated (Index of proceedings attached at **Annex A**).

3. The Subcommittee requested the Administration to provide the prosecution figures for the past one year, five years and 10 years in respect of each of the existing offence provisions in the Waterworks Ordinance and Waterworks Regulations. The information should include the results of prosecution and the penalty imposed by courts in cases where the defendants were convicted. Upon receipt of the information, members would decide whether it was necessary to hold another meeting before the Subcommittee reported to the House Committee. Members noted that the earliest date for the Subcommittee to report to the House Committee was 6 October 2006.

Action

(Post-meeting note: The Administration's supplementary information (LC Paper No. CB(1)2095/05-06(01)) was issued to members on 7 August 2006.)

4. The Subcommittee completed clause-by-clause examination of the proposed resolution.

III Any other business

5. There being no other business, the meeting ended at 11:55 am.

Council Business Division 1
Legislative Council Secretariat
19 September 2006

**Proceedings of the first meeting of the
Subcommittee to Study the Proposed Resolution on Increase of Fines in
Waterworks Ordinance and Waterworks Regulations
on Friday, 21 July 2006, at 10:45 am
in Conference Room B of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action required
000000 – 000146	Members	Election of Chairman	
000147 – 000229	Chairman	Opening remarks	
000230 – 001311	Administration	PowerPoint presentation	
001312 – 001408	Chairman Administration	<p>Enquiry on the timeframe for future reviews of the penalty provisions in the Waterworks Ordinance and Waterworks Regulations</p> <p>Administration's response that a study on Total Water Management was being conducted and the report would be completed in 2007. Subject to the results of the study, further amendments to the Waterworks Ordinance and Waterworks Regulations might be proposed.</p>	
001409 – 002318	Mr LEE Wing-tat Administration	<p>Enquiries on why the fines had not been reviewed for such a long time, and whether the Administration had considered increasing the fines by phases instead of an one-off adjustment with drastic increases.</p> <p>Administration's response that –</p> <p>(a) A review had been conducted in 1994 and a proposal had been prepared. The proposal was not further pursued because there were many other legislative proposals that needed to be taken on board before 1997. Moreover, the Consumer Price Index (A) showed a downward trend since 1998 and the trend was reversed only recently.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) There had not been many contraventions over the past years. Increasing fines by phases and then introducing further amendments after completion of the study on Total Water Management might cause disturbance to the public.</p> <p>Enquiry on how to determine whether an act of collecting stream water would be regarded as unlawful taking of water and the criteria for prosecution.</p> <p>Administration's response that collecting stream water outside gathering grounds was legal, whereas diverting water continuously from the waterworks or collecting stream water continuously in gathering grounds might be prosecuted. The Water Authority would take into account the actual circumstances in deciding whether to institute prosecutions. The boundaries of gathering grounds had been made public through publication of notices in the Gazette and there were relevant signs erected at appropriate places within the gathering grounds.</p>	
002319 – 004213	Mr CHEUNG hok-ming Administration Chairman	<p>Historical reasons for using stream water by villagers due to lack of tap water in the past. Enquiry on whether villagers could divert water from streams in gathering grounds for irrigation and as a backup measure in case of temporary suspension of water supply.</p> <p>The Administration's response that –</p> <p>(a) Temporary suspension of water supply was rare nowadays.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) Diverting stream water in gathering grounds for irrigation would be acceptable, but not for domestic use.</p> <p>(c) Would be flexible in handling cases where villagers had all along been using stream water before gathering grounds were mapped. Needs of villagers and grandfathering rights would be taken into account.</p> <p>Concern that owners of small houses not provided with public sewerage facilities might be susceptible to prosecution for polluting water forming part of the waterworks.</p> <p>Administration's response that –</p> <p>(a) Villagers seldom caused water pollution in gathering grounds. Water pollution mostly originated from untreated industrial waste water.</p> <p>(b) In the old days when public sewerage facilities were not provided for villages, small houses were built with septic tanks to collect domestic sewage and effluent. Nowadays, most villages were provided with public sewerage facilities and the facilities were being expanded to cover old villages in a progressive manner.</p>	
004214 – 010532	Chairman Administration Mr LEE Wing-tat	Sought clarification on regulation 12 of the Waterworks Regulations (with regard to use of fresh water for flushing without permission) and regulation 24 (with regard to installation or use of apparatus using water, or apparatus for treatment or filtration of water, without	

Time marker	Speaker	Subject(s)	Action required
		<p>permission).</p> <p>Administration's response that –</p> <p>(a) Affixing a pipe to the flushing cistern to supply fresh water for flushing would be an offence but pouring fresh water into the flushing cistern for flushing during suspension of the supply of salt water would not be prosecuted. Under regulation 12(2), a defence was available to the occupier or owner for the use of fresh water for flushing during suspension of supply of salt water.</p> <p>(b) The public had been advised through media publicity to engage licensed plumbers for installation of water filters and guidelines had been prepared in 2004 for plumbers.</p> <p>(c) There was a possibility that polluted water filters installed at individual households would pollute the main water system of a building. To avoid this situation, there should be devices installed to avoid reversion of water flow from the water pipes of individual households to the main water supply, and such devices were commonly installed in multi-storey buildings. There had not been any prosecution for contravention of regulation 24 in the past.</p> <p>(d) Under regulation 25, the Water Authority might relax the provisions of the Waterworks Regulations regarding the size, nature, materials or disposition of any pipe or fitting.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(e) New water pipes were rust-resistant and would reduce the need for filters.</p> <p>Request for prosecution figures for offences under the Waterworks Ordinance and Waterworks Regulations.</p>	<p>Administration to provide the information</p>
010533 – 010722	Chairman Administration	<p>Enquiry on regulation 32(2) (with regard to testing of private check meter).</p> <p>Administration's response that any person who contravened the requirement of the Water Authority under regulation 32(2) to test a private check meter would be guilty of an offence.</p>	
010723 – 011000	Chairman	<p>Clause-by-clause examination of the proposed resolution.</p> <p>Way forward</p>	