

立法會
Legislative Council

LC Paper No. CB(1)251/17-18
(These minutes have been seen
by the Administration)

Ref : CB1/BC/4/16

Bills Committee on Waterworks (Amendment) Bill 2017

Minutes of third meeting
on Monday, 19 June 2017, at 10:45 am
in Conference Room 2 of the Legislative Council Complex

Members present : Ir Dr Hon LO Wai-kwok, SBS, MH, JP (Chairman)
Dr Hon Helena WONG Pik-wan (Deputy Chairman)
Hon LEUNG Kwok-hung
Hon LEUNG Che-cheung, BBS, MH, JP
Dr Hon KWOK Ka-ki
Hon POON Siu-ping, BBS, MH
Hon SHIU Ka-fai
Dr Hon YIU Chung-yim

Members absent : Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon Junius HO Kwan-yiu, JP
Hon LAU Kwok-fan, MH

[According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.]

**Public officers
attending**

: Agenda item I

Development Bureau

Mr Vincent MAK
Deputy Secretary (Works) 2

Water Supplies Department

Mr Bobby NG, BBS
Team Leader/ Legislative Review

Mr Horace LEE
Senior Engineer/ Legislative Review (2)

Department of Justice

Miss Selina LAU
Senior Assistant Law Draftsman

Miss Wendy HO
Government Counsel

Clerk in attendance : Mr Derek LO
Chief Council Secretary (1)5

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Fred PANG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

I. Meeting with the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)1150/16-17(01) — List of follow-up actions arising from the meeting on 12 June 2017

LC Paper No. CB(1)1150/16-17(02) — Administration's response to the issues raised at the meeting on 12 June 2017

LC Paper No. CB(1)1150/16-17(03) — Assistant Legal Adviser's letter dated 14 June 2017 to the Administration

LC Paper No. CB(1)1093/16-17(01) — List of follow-up actions arising from the meeting on 19 May 2017

LC Paper No. CB(1)1093/16-17(02) — Administration's response to the issues raised at the meeting on 19 May 2017

LC Paper No. CB(1)962/16-17(03) — Assistant Legal Adviser's letter dated 9 May 2017 to the Administration

LC Paper No. CB(1)1115/16-17(01) — Administration's response to Assistant Legal Adviser's letter dated 9 May 2017)

Other relevant papers

(LC Paper No. CB(3)458/16-17 — The Bill

LC Paper No. CB(1)962/16-17(01) — Mark-up copy of the Bill prepared by the Legal Service Division (Restricted to members only)

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|---------------------------------|--|
| File Ref: DEVB(CR)(W)1-10/49 | — Legislative Council Brief issued by the Development Bureau |
| LC Paper No. LS56/16-17 | — Legal Service Division Report |
| LC Paper No. CB(1)962/16-17(02) | — Paper on Waterworks (Amendment) Bill 2017 prepared by the Legislative Council Secretariat (background brief) |

The Bills Committee deliberated (Index of proceedings in the **Appendix**).

2. The Bills Committee commenced the clause-by-clause examination of the Chinese text of the Waterworks (Amendment) Bill 2017 ("the Bill").

Follow-up actions to be taken by the Administration

3. The Administration was requested to provide the following information

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- (a) given that there were views at the meeting that certain types of workers such as semi-skilled plumbing workers should not be legally allowed to provide instruction and supervision to other workers, and the Administration should consider amendments, with list(s)/table(s),
 - (i) the respective total number of licensed plumbers, registered skilled plumbing workers, registered semi-skilled plumbing workers, registered plumbing workers (provisional), and registered general workers, details of the works/work that they were qualified to carry out under the Bill/relevant legislation;
 - (ii) for those groups of workers to be allowed to provide instruction and supervision under the Bill/relevant legislation, to which type(s) of workers they could provide instruction and supervision, and the kind of works/work under their instruction and supervision;

- (b) with respect to Dr Hon Helena WONG's suggestion that a new section should be added to the Bill after the proposed section 13B setting out the definition of works of a minor nature with an example of the definition (in English only) as follows:

"(a) works which can be completed without the involvement of specialized trade skill that requires specific knowledge and ability acquired through designated training for carrying out the works; and (b) works which do not change the general arrangement of the plumbing installation already approved by the Water Authority or affect the flow conditions of the plumbing system, thus causing possible supply problems",

whether the Administration would accept the suggestion; if yes, the details; if no, the reasons;

- (c) whether the Administration would accept Dr Hon Helena WONG's suggestion that a new subsection should be added after the proposed section 14(1A) in the Bill to specify a time limit on the validity of the written permission granted by the Water Authority under the proposed section 14(1); if yes, the details; if no, the reasons; and
- (d) if the Administration considered that the issue in (c) should be addressed through administrative means, the justifications and details.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1254/16-17(02) on 7 July 2017.)

Date of next meeting

4. Members agreed that the next meeting of the Bills Committee would be held on Tuesday, 11 July 2017 at 10:45 am.

(Post-meeting note: The notice and agenda of the meeting were issued to members vide LC Paper No. CB(1)1168/16-17 on 20 June 2017.)

II. Any other business

5. There being no other business, the meeting ended at 12:43 pm.

Council Business Division 1
Legislative Council Secretariat
22 November 2017

**Proceedings of the third meeting of
the Bills Committee on Waterworks (Amendment) Bill 2017
on Monday, 19 June 2017, at 10:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000535 – 000632	Chairman	Opening remarks	
000633 – 002249	Chairman Dr YIU Chung-yim Administration	<p>Briefing by the Administration on its response to the list of follow-up actions arising from the Bills Committee's meeting on 12 June 2017 (LC Paper No. CB(1)1150/16-17(02))</p> <p>Dr YIU Chung-yim referred to paragraph 5 of LC Paper No. CB(1)1150/16-17(02), and opined that –</p> <p>(a) the Administration's position of not imposing restriction on the skills and training required for a person to carry out specified plumbing works under the instruction and supervision of a licensed plumber ("LP") or a registered plumbing worker would be a great departure from the requirement under the current Waterworks Ordinance (Cap. 102) ("WVO") that only an LP or a public officer authorized by the Water Authority ("WA") might carry out plumbing works; and</p> <p>(b) the Administration should require workers to undergo relevant training programmes and tests before they were allowed to carry out plumbing works.</p> <p>The Administration advised that –</p> <p>(a) the current section 15(1) of WVO did not reflect the existing policy intent and the industry practice that LPs might be assisted by workers in carrying out plumbing works, and the purpose of the legislative amendments under the Bill was to stipulate clearly the duties of LPs and designate the persons for carrying out plumbing works; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) allowing a registered general worker to carry out plumbing works under the instruction and supervision of an LP or a registered plumbing worker was a decades-long practice in the plumbing trade, and under such arrangement, the general worker could acquire the necessary work experience and trade skills before proceeding to obtain the relevant trade test certificates for registered plumbing workers/LPs in future.</p> <p>Dr YIU Chung-yim opined that the proposed amendments under the Bill should have the effect of improving the existing industry practice to better safeguard drinking water safety, instead of reflecting the existing practice.</p> <p>The Chairman remarked that the training programmes/tests for new entrants and practitioners to become registered skilled workers and registered semi-skilled workers for the trade division of plumber under the Construction Workers Registration Ordinance (Cap. 583) ("CWRO") were available, and some of them had been set out in LC Paper No. CB(1)1150/16-17(02).</p>	
002250 – 003421	Chairman Dr Helena WONG Administration	<p>In response to Dr Helena WONG, the Administration explained the steps that the Water Supplies Department ("WSD") staff would take at works sites to ascertain whether a general worker could identify his/her instructing supervisor for carrying out plumbing works.</p> <p>Dr Helena WONG enquired about the control over the types of plumbing works that a general worker might carry out under the instruction and supervision of an LP or a registered plumbing worker.</p> <p>The Administration replied that –</p> <p>(a) the specified plumbing works to be carried out by a general worker should be decided by his/her instructing supervisor having regard to the nature of the plumbing works, the risks involved in the plumbing works and the knowledge and experience of the general worker, and WSD would issue guidelines to</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>explain the responsibilities of instructing supervisors in this regard; and</p> <p>(b) the Responsible LP, i.e. the LP who applied for the written permission granted by WA for the plumbing works, had a general obligation to ensure the plumbing works covered by the permission were in compliance with relevant requirements.</p> <p>Dr Helena WONG opined that –</p> <p>(a) it might not be appropriate for instructing supervisors to decide the plumbing works that general workers might carry out; and</p> <p>(b) there was no guarantee that the tasks carried out by general workers had been properly supervised at all times.</p> <p>The Administration replied that –</p> <p>(a) the instructing supervisor must inspect the carrying out of the plumbing works as often as was reasonable to ensure that the works were carried out in compliance with relevant requirements/standards; and</p> <p>(b) the arrangement that a registered construction worker, who was not registered for a designated trade division, to carry out construction work involving skills of that designated trade division on construction sites under the instruction and supervision of a skilled worker or a semi-skilled worker for that designated trade division had been implementing smoothly under CWRO.</p>	
003422 – 010805	Chairman Mr LEUNG Kwok-hung Dr Helena WONG Mr SHIU Ka-fai Administration	<p>Mr LEUNG Kwok-hung enquired about the differences in the roles and responsibilities of LPs and registered skilled plumbing workers.</p> <p>The Administration advised that –</p> <p>(a) both LP and registered skilled/semi-skilled plumbing workers might take up the role of a worker or an instructing supervisor; and</p> <p>(b) an LP might act as a Responsible LP.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Mr LEUNG Kwok-hung opined that to address the impact of the limited number of LPs, the Administration should put in place measures to facilitate registered skilled workers to acquire necessary work experience and trade skills for becoming LPs.</p> <p>The Administration responded that it was desirable if more registered skilled workers would become LPs, and sufficient progression pathways were available to cater for these workers.</p> <p>Dr Helena WONG expressed concern on whether it was appropriate for registered semi-skilled plumbing workers to provide instruction and supervision for general workers to carry out plumbing works.</p> <p>Mr SHIU Ka-fai opined that the Administration should consider carefully whether certain types of workers might not have the capacity to provide instruction and supervision for other workers in carrying out plumbing works, and for those groups of workers to be allowed to provide instruction and supervision, the kind of work under their instruction and supervision.</p> <p>The Administration responded that –</p> <p>(a) even though the level of skills possessed by a skilled worker and a semi-skilled worker might be different, they were both qualified to carry out the same type of work, and this arrangement facilitated semi-skilled workers to acquire the necessary work experience and trade skills for becoming skilled workers or LPs in future, and sustaining the continual growth of the workforce;</p> <p>(b) the respective types of work that skilled and semi-skilled plumbing workers were qualified to carry out were set out under CWRO; and</p> <p>(c) the responsible person for a plumbing project should be in the position to specify the types of work to be carried out by different plumbing workers at the works sites having regard to, among others, the workers' knowledge and experience.</p>	

Time marker	Speaker	Subject(s)	Action required
010806 – 011203	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG opined that –</p> <p>(a) the Bill/relevant legislation should set out clearly the respective work that registered skilled and semi-skilled workers were qualified to carry out, and whether they were allowed to provide instruction and supervision; and</p> <p>(b) she had reservation on the proposal of allowing registered semi-skilled plumbing workers to assume the responsibilities of providing instruction and supervision for general workers in carrying out plumbing works related to drinking water service installations.</p> <p>In response to Dr Helena WONG's request, the Administration would provide information on –</p> <p>(a) the respective total number of LPs, registered skilled plumbing workers, registered semi-skilled plumbing workers, registered plumbing workers (provisional), and registered general workers, details of the works/work that they were qualified to carry out under the Bill/relevant legislation; and</p> <p>(b) for those groups of workers to be allowed to provide instruction and supervision under the Bill/relevant legislation, to which type(s) of workers they could provide instruction and supervision, and the kind of works/work under their instruction and supervision.</p>	The Administration to follow up as stated in paragraph 3(a) of the minutes.
011204 – 012024	Chairman Dr KWOK Ka-ki Administration	<p>Dr KWOK Ka-ki enquired –</p> <p>(a) about the Administration's plan to regulate contractors and other persons who provided the materials for use in large scale plumbing projects; and</p> <p>(b) how the Administration would ensure that the general workers who had been engaged in the plumbing industry for a long time would not be forced to leave the industry merely because they were reluctant or had difficulty to take the trade test for registration as registered skilled plumbing workers.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration replied that –</p> <p>(a) the Administration was examining as part of the review of WWO/Waterworks Regulations (Cap. 102A) ("WWR") the roles, involvements and responsibilities of developers, contractors, suppliers of plumbing materials and other persons involved in works related to plumbing systems, and expected to put forth a relevant proposal for consultation by the first half of 2018 before proceeding to the next phase legislative amendments to WWO/WWR; and</p> <p>(b) CWRO had put in place a senior workers registration arrangement under which senior workers with not less than ten years' relevant working experience in a trade division, including the trade division of plumber, might seek exemption from trade test for registration as registered skilled workers of the trade division.</p> <p>In response to Dr KWOK Ka-ki's enquiry, the Administration advised that any persons who wished to register as registered semi-skilled workers were required to pass the relevant intermediate trade test, and there was no time limit on when they might take the test.</p>	
<u>Clause-by-clause examination of Waterworks (Amendment) Bill 2017</u>			
012025 – 012641	Chairman All members present Administration	<p><u>Part 1 Preliminary</u></p> <p><i>Clause 1 – Short title and commencement</i></p> <p><i>Clause 2 – Enactments amended</i></p> <p><u>Part 2 Amendments to Waterworks Ordinance</u></p> <p><i>Clause 3 – Section 2 amended (interpretation)</i></p> <p><i>Clause 4 – Section 10 amended (disconnexion of a fire service or inside service)</i></p> <p>Members raised no queries.</p>	

Time marker	Speaker	Subject(s)	Action required
012642 – 013747	Chairman All members present Administration	<p><i>Clause 5 – Sections 13A and 13B added</i></p> <p>In response to Dr Helena WONG, the Chairman advised that members might consider Clause 5 after the Administration had provided the relevant supplementary information as requested by Dr WONG at the meeting.</p> <p>In response to the Chairman, the Administration advised that the proposed section 15(6) of WWO had indicated that the designated persons to carry out specified plumbing works included those who carried out plumbing works under the instruction and supervision of an LP or a registered plumbing worker.</p> <p>Dr Helena WONG suggested that –</p> <p>(a) the Administration should consider adding a new section to the Bill after the proposed section 13B setting out the definition of "works of a minor nature"; and</p> <p>(b) an example of the definition (in English only) was "(a) works which can be completed without the involvement of specialized trade skill that requires specific knowledge and ability acquired through designated training for carrying out the works; and (b) works which do not change the general arrangement of the plumbing installation already approved by the Water Authority or affect the flow conditions of the plumbing system, thus causing possible supply problems".</p> <p>The Administration replied that it would give consideration to Dr Helena WONG's suggestion and provide supplementary information in this regard.</p>	<p>The Administration to follow up as stated in paragraph 3(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
013748 – 020004	Chairman All members present Administration	<p><i>Clause 6 – Section 14 amended (construction, etc., of fire services and inside services)</i></p> <p>In response to Dr Helena WONG's suggestion that a paragraph (d) should be added under the proposed section 14(4) of WWO to include the persons who employed or permitted a person in paragraphs (a) to (c) under the section to carry out the WSD's approved plumbing works, the Administration advised that –</p> <p>(a) the Bill had included a new provision under section 15 that a person who employed or permitted a person who was not a designated person to carry out specified plumbing works would commit an offence, and the Bills Committee might further discuss Dr WONG's suggestion when examining the provision; and</p> <p>(b) the Administration would review the roles and responsibilities of contractors as part its efforts to work out the proposal for the next phase of the review of WWO/WWR.</p> <p>In response to Dr Helena WONG, the Administration undertook to provide information on whether it would accept Dr WONG's suggestion that a new subsection should be added after the proposed section 14(1A) in the Bill to specify a time limit on the validity of the written permission granted by WA under the proposed section 14(1), and if the Administration considered that the issue should be addressed through administrative means, the justifications and details.</p>	The Administration to follow up as stated in paragraph 3(c) and 3(d) of the minutes
020005 – 020206	Chairman All members present Administration	Meeting arrangement	