

立法會
Legislative Council

LC Paper No. CB(1)553/17-18
(These minutes have been
seen by the Administration)

Ref : CB1/BC/4/16

Bills Committee on Waterworks (Amendment) Bill 2017

Minutes of sixth meeting
on Tuesday, 16 January 2018, at 2:45 pm
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 Che-cheung, SBS, MH, JP
Hon Alice MAK Mei-kuen, BBS, JP
Dr Hon KWOK Ka-ki
Hon POON Siu-ping, BBS, MH
Hon SHIU Ka-fai

Members absent : Hon Kenneth LEUNG
Dr Hon Junius HO Kwan-yiu, JP
Hon LAU Kwok-fan, MH

Public officers attending : Agenda item I
Development Bureau

Mr Vitus NG
Principal Assistant Secretary (Works) 3

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 Government Counsel

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

Action

I. Meeting with the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)314/17-18(01) — List of follow-up actions arising from the meeting on 7 November 2017

LC Paper No. CB(1)314/17-18(02) — Administration's response to the issues raised at the meeting on 7 November 2017)

Committee stage amendments proposed by the Administration

(LC Paper No. CB(1)455/17-18(01) — Administration's proposed Committee stage amendments (table)

LC Paper No. CB(1)490/17-18(01) — Draft Committee stage amendments proposed by the Administration (version as of 16 January 2018))

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)

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 attached at **Appendix**).

2. The Bills Committee completed scrutiny of the Bill and the Administration's proposed draft Committee stage amendments ("CSAs") to the Bill (Annex to LC Paper No. CB(1)490/17-18(01)). The Bills Committee raised no objection to the draft CSAs, and would not propose any CSAs to the Bill.

(Post-meeting note: Presentation materials (LC Paper No. CB(1)494/17-18(01)) for the Administration's proposed draft CSAs were issued to members on 16 January 2018 in electronic form.)

Legislative timetable

3. The Bills Committee raised no objection to the resumption of the Second Reading debate on the Bill at the Council meeting of 7 February 2018. The Chairman informed members that the Bills Committee would make a verbal report on the Bills Committee's deliberations at the House Committee meeting on 26 January 2018. He also reminded members that the deadline for giving notice to move CSAs to the Bill was 29 January 2018.

II. Any other business

4. There being no other business, the meeting ended at 3:47 pm.

Council Business Division 1
Legislative Council Secretariat
2 February 2018

**Proceedings of the sixth meeting of
the Bills Committee on Waterworks (Amendment) Bill 2017
on Tuesday, 16 January 2018, at 2:45 pm
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
000440 – 000604	Chairman	Opening remarks	
000605 – 000815	Chairman Administration	Briefing by the Administration on its response to the list of follow-up actions arising from the Bills Committee's meeting on 7 November 2017 (LC Paper No. CB(1)314/17-18(02))	
000816 – 002419	Chairman Administration	With the aid of PowerPoint, the Administration briefed members on its proposed draft Committee stage amendments ("CSAs") to the Bill in respect of the proposed sections and proposed new sections 10, 14, 15, 15A, 15B, 18A and 36A of, and the proposed new Schedule to, the Waterworks Ordinance (Cap. 102) ("WVO") (Annex to LC Paper No. CB(1)490/17-18(01)) ("the proposed CSAs").	
002420 – 003459	Chairman Dr Helena WONG Administration Assistant Legal Advisor 6 ("ALA6")	<p>In response to the Chairman, ALA6 advised that she had given her comments on the drafting aspects of the English text of the proposed CSAs to the Administration before the meeting and noted that further refinements to the proposed CSAs would be made.</p> <p>ALA6 drew members' attention that under the proposed new section 36A(1) and (2) of WVO as proposed to be amended, if the contravention of the proposed section 14(3) of WVO was discovered by, or came to the notice of, the Water Authority ("WA") within six years after the relevant date, a prosecution for the contravention might be commenced within six months beginning on the date immediately after the date on which the contravention was discovered by, or came to the notice of, WA.</p> <p>In response to Dr Helena WONG's enquiry, the Administration explained the policy intent of the proposed new section 36A(1) of WVO as proposed to be amended.</p> <p>Dr Helena WONG enquired about the Administration's justifications for amending the Bill to shorten the originally proposed time limit for prosecutions to six years.</p>	

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		<p>The Chairman remarked that at previous meetings, members had expressed different views on the time limit for prosecutions.</p> <p>The Administration advised that –</p> <p>(a) in working out the proposed CSAs regarding the time limit for prosecutions, the Administration had taken into account the relevant views of members and the trade, and the time it normally took the Administration to collect evidence for possible prosecutions, and had also made reference to the relevant provisions in respect of comparable situations in other legislation; and</p> <p>(b) as the Administration had in recent years stepped up inspection of completed plumbing works, WA should be able to identify any non-compliance cases in respect of such works within six years after the date on which the non-compliance was committed.</p> <p>Discussion about the application of the proposed new section 36A of WWO as proposed to be amended to the contraventions of the relevant requirements in respect of plumbing works, which were committed within six years before the commencement date of the Bill, if passed.</p> <p>ALA6 advised that under the proposed new section 36A(3) of WWO, the proposed new section 36A did not apply in relation to a contravention committed before the date on which the Bill, if passed, came into operation.</p>	
003500 – 004011	Chairman Mr LEUNG Che-cheung The Administration	<p>In response to Mr LEUNG Che-cheung and the Chairman, the Administration explained the policy intent of the proposed new section 15B(7) of WWO as proposed to be added.</p> <p>Mr LEUNG Che-cheung enquired whether the proposed new section 15B(7) would undermine a person's exercise of his right of silence at common law.</p> <p>The Administration replied that it had sought the</p>	

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		advice of the Department of Justice's Human Rights Unit on the matter mentioned by Mr LEUNG, and the Unit considered the proposed new section 15B(7) acceptable.	
004012 – 004123	Chairman Mr SHIU Ka-fai	<p>Referring to the proposed CSAs, Mr SHIU Ka-fai commended the Administration for –</p> <p>(a) communicating with the deputations from the plumbing trade to understand matters of concern to them; and</p> <p>(b) having taken into account the views of members and the plumbing trade regarding the time limit for prosecutions and the liabilities imposed on workers in respect of plumbing works.</p> <p>The Chairman remarked that the Administration needed to adopt a holistic approach in enhancing water safety, and the proposals to amend WWO was part of its efforts to deal with the issue.</p>	
004124 – 004323	Chairman Ms Alice MAK Administration	<p>Ms Alice MAK said that –</p> <p>(a) the proposed CSAs had incorporated the relevant views of workers' unions about protection of workers' rights;</p> <p>(b) the Administration should continue to enhance the regulatory framework for safeguarding drinking water safety, and should take into account views of workers' unions on the subject matter; and</p> <p>(c) the Administration should in collaboration with workers' unions organize educational and promotional activities to enhance workers' understanding of WWO as amended by the Bill, if passed, including the roles and responsibilities of plumbing workers and other persons involved in works related to plumbing systems.</p> <p>The Administration advised that the Water Supplies Department ("WSD") would liaise with workers' unions to inform workers of the details about WWO as amended by the Bill, if passed.</p>	
004324 – 005057	Chairman Dr Helena WONG	Dr Helena WONG opined that to tie in with the future enactment of the Bill, the Administration	

Time marker	Speaker	Subject(s)	Action required
	Administration	<p>should undertake to organize training programmes and qualification examinations for plumbing practitioners with a view to enhancing their skill levels, awareness and knowledge of the legal and regulatory requirements in relation to drinking water safety, and include suitable training programmes and examinations as a prerequisite for licensed plumbers ("LPs") and registered plumbing workers to seek/renew their licences/registrations, and should make clear the Administration's plans to follow up the matters and the relevant timetables.</p> <p>The Chairman remarked that the guidelines in the Appendix to LC Paper No. CB(1)314/17-18(02) would be helpful for workers to understand the requirements under WWO as amended by the Bill, if passed.</p> <p>The Administration advised that –</p> <p>(a) the Development Bureau in collaboration with the Construction Industry Council and Vocational Training Council had all along organized continuing professional development programmes/courses for plumbing practitioners, and the Administration would continue its effort in enhancing their skills and knowledge;</p> <p>(b) the applicants for seeking licences/registrations as LPs/plumbing workers who were allowed to provide instruction and supervision for other persons in carrying out plumbing works were currently required to hold certain qualifications;</p> <p>(c) the Administration would collaborate with relevant workers' unions to launch educational and promotional activities, such as briefings and publication of leaflets, to disseminate messages on the roles and responsibilities of registered plumbing workers under WWO as amended by the Bill, if passed; and</p> <p>(d) it would consider Dr WONG's suggestion of including training requirements as a prerequisite for LPs and registered plumbing</p>	

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		workers to seek/renew their licences/registrations.	
005058 – 005347	Chairman Mr POON Siu-ping Administration	<p>Mr POON Siu-ping enquired about the consultation that had been conducted on the draft guidelines in the Appendix to LC Paper No. CB(1)314/17-18(02), and when the Administration would finalize the draft for publication.</p> <p>The Administration advised that –</p> <p>(a) WSD had communicated with the trade regarding the draft guidelines, and the trade had no comments on the content of the guidelines;</p> <p>(b) as the draft guidelines included references to some provisions under the Bill, the Administration would finalize the draft to tie in with the Bill if passed; and</p> <p>(c) the Administration would arrange briefings for the plumbing practitioners on the guidelines.</p> <p>In response to the Chairman's enquiry on whether the guidelines would be issued near the time when the Bill was passed, the Administration advised in the affirmative.</p>	
005348 – 010237	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG enquired –</p> <p>(a) why the Bill did not specify the responsibilities of the Building Services Engineers ("BSEs") engaged in carrying out the design for large scale plumbing projects and impose criminal sanctions for any non-compliances by them; and</p> <p>(b) whether and when the Administration would work out legislative proposals to regulate these professionals and other relevant parties such as contractors, developers, plumbing material suppliers, etc.</p> <p>The Administration advised that –</p> <p>(a) the main purpose of the legislative amendments under the Bill was to delineate</p>	

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		<p>clearly the roles, involvements and responsibilities of the persons responsible for carrying out the construction, installation and alteration of plumbing systems including LPs and workers; and</p> <p>(b) the Administration was reviewing the roles, involvements and responsibilities of other relevant parties including professionals, developers and contractors in the design and construction of plumbing projects, with a view to working out proposals to regulate them if deemed necessary.</p> <p>The Chairman remarked that the Administration had at previous meetings briefed the Bills Committee about the scope of the Bill including the types of persons to be regulated.</p>	
010238 – 010545	Chairman All members present Administration ALA6	<p>In response to the Chairman and ALA6, the Administration advised that the Annex to LC Paper No. CB(1)490/17-18(01) had included all the CSAs to the Bill proposed by the Administration, and the Administration would submit to the Legislative Council the formal version of the proposed CSAs.</p> <p>Legislative timetable</p>	
010546 – 010658	Chairman	Closing remarks	