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LAU Chun Kay

Our Ref. : FEMC-17-EXA-007

1 June 2017

Ir Dr Hon Lo Wai-Kwok, SBS, MH,JP  
Chairman,  
Bills Committee on Waterworks (Amendment) Bill 2017  
Legislative Council  
Hong Kong SAR

Dear *W. K.*,

**Re: Bills Committee on Waterworks (Amendment) Bill 2017**  
**Invitation for submissions**

We refer to the Bills Committee's 23 May 2017 letter inviting the Hong Kong Federation of Electrical and Mechanical Contractors (HKFEMC) for submissions on the Waterworks (Amendment) Bill 2017 ("the Bill"). While the HKFEMC generally supports the Bill and its purpose we do have one particular objection to submit.

**Objection**

We object to Section 14(4)-(b), that "a person who carries out the construction or installation, under the supervision of another person" would commit an offence if subsection (3) is contravened.

We believe that non-skilled workers should not be held responsible for contravening something they do not know and/or understand and that the responsibility be placed on the person who supervises the work, which is covered in Section 14(4)-(a).

**Grounds for objection**

**1. Unfairness to Workers**

It is unfair to hold junior workers who are non-skilled responsible for contravening regulations which they are not required to know or understand. Junior workers work under instructions and supervision from their supervisors, and it should be the duty and responsibility of the supervisors, who are skilled or semi-skilled workers, and who are required to know and understand the rules and regulations, to ensure that rules and regulations are not contravened.

Under the proposed amendments junior workers with no skills will be held responsible for just acting on instruction, for offences they do not know and/or understand, and yet the burden of proof is placed on them. In other words, they will be asked to plead not guilty to and defend actions that they do not know are guilty in the first place.



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In fact, it has been proven that by placing the duty and responsibility solely on the supervisors, who are skilled workers, statutory requirements can be complied with. Examples are the Electrical and Fire Services trades, which has been successfully governed under their respective ordinances for many years.

In other words, quality of work can be assured and not compromised under the supervision system with the onus placed on the supervisor.

## **2. Barriers to new blood joining the plumbing trade**

It will greatly discourage young people from joining the plumbing trade. This is particularly true when there are better alternatives, such as the electrical and fire services trades, whereby the new recruits do not have to worry about facing prosecution for just doing what have been instructed.

With the whole electrical and mechanical engineering industry facing a shortage of manpower and an acute lack of new blood, the situation is particularly worrying. It would mean that of those young people who do choose to go into the electrical and mechanical industry, the plumbing trade will get less than its fair share of intakes. It would work against the goal of recruiting more new blood and improving the quality of plumbing work for Hong Kong, a goal that the Bill is supposed to achieve.

## **Recommendation**

We recommend that Section 14 (4)-(b) of the Bill to be changed to:

(b) "a person who carries out the construction or installation not under the supervision of another person".

The change would only exclude non-skilled workers working under supervision. All skilled and semi-skilled workers are liable under Section 14(4)- (a).

We believe that this would provide the best balance between control and quality assurance of work, as had been proven in other electrical and mechanical trades. It would also help to lay the path for a sustainable development and growth of manpower for the plumbing trade, for the long term assurance of quality in water supply systems in Hong Kong.

With best regards,

Yours very sincerely,

Paul CHONG  
President

Copy to : Ms Judy YEE, for Clerk to Bills Committee