

## **Waterworks (Amendment) Bill 2017 (“The Bill”)**

### **Response to the List of follow-up actions arising from the discussion at the meeting of the Bills Committee on 19 June 2017**

#### **Response to item (a)(i)**

1. The respective total number of licensed plumbers, registered plumbing workers (including skilled and semi-skilled workers, provisional or otherwise) and registered general workers, and the details of work that they may carry out are at **Annex**.

2. Even though the level of skills possessed by a skilled worker and a semi-skilled worker may be different, they are both qualified to carry out the same type of work. This arrangement facilitates semi-skilled workers to acquire the necessary work experience and trade skills for becoming skilled workers or licensed plumbers in future, sustaining the continual growth of the workforce.

#### **Response to item (a)(ii)**

3. A licensed plumber or a registered plumbing worker (including a skilled or semi-skilled worker, but does not include a provisional worker) (hereinafter collectively referred to as “supervisor(s)”) is allowed to provide instruction and supervision to a “general worker”, i.e. a person who is not a licensed plumber, a registered plumbing worker or a registered plumbing worker (provisional), in carrying out plumbing works.

4. A general worker is expected to carry out menial or repetitive tasks in plumbing works under instruction and supervision of the supervisor. In respect of a registered plumbing worker who provides instruction and supervision, since both skilled workers and semi-skilled workers are qualified to carry out the same type of work, they could provide instruction and supervision for general workers in carrying out the work.

5. Despite a general worker is only expected to carry out menial or repetitive tasks, in order not to compromise the work quality, the supervisor must provide necessary instruction and supervision to the general worker in carrying out the works. In particular, the general worker may only carry out the

works at the direction of and within the scope decided by the supervisor, and the method and manner in which the works are carried out are specified by the supervisor. Furthermore, since the nature of the plumbing works, the risks involved in the works and the knowledge and experience of the general worker carrying out the works vary from one situation to another, the supervisor must, having regard to these matters, inspect the carrying out of the work as often as is reasonable to ensure that the works are carried out in compliance with section 14(3) of the Waterworks Ordinance (Cap. 102) (“WWO”).

6. Furthermore, since the supervisor commits an offence if the work carried out by the general worker under his instruction and supervision contravenes the requirement in section 14(3) of the WWO, the supervisor should only provide instruction and supervise works that he is competent to carry out.

7. In fact, allowing a qualified person to be assisted by a person who may not be qualified in carrying out the works has been a decades-long practice in the plumbing trade, as well as other trades. This arrangement provides additional workforce in the plumbing trade and facilitates general workers to acquire the necessary work experience and trade skills for becoming registered plumbing workers and licensed plumbers in future. It is also in line with the relevant arrangement under the Construction Workers Registration Ordinance (Cap. 583) (“CWRO”), which allows a registered construction worker, who is 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.

### **Response to item (b)**

8. Under the proposed section 15(2) of the WWO, alterations or repairs to a fire service or insider service which are, in the opinion of the Water Authority, of a minor nature may be carried out by persons other than those prescribed. Hence, the Water Authority has an existing power to explain the meaning of “works of a minor nature” under the WWO. For this purpose, the Water Supplies Department (“WSD”) has been promulgating the general principles and a list of examples for “works of a minor nature” via circular letters for licensed plumbers and publications on its website for the reference of the public

and the trade. WSD will review and update the list whenever necessary.

9. This practice has all along been effective and retains flexibility for the Water Authority to give prompt response in catering for changes in the plumbing trade. In contrast, if the meaning of “works of a minor nature” is put under the legislation, the flexibility would be removed and an amendment to the legislation would necessitate relatively lengthy legislative process. Moreover, it is an offence for a person who is not a designated person to carry out works other than “works of a minor nature”, we consider it prudent to consult stakeholders before specifying the meaning of “works of a minor nature” under the WWO. Therefore, it is considered not appropriate to set out the definition of “works of a minor nature” under the WWO at this juncture.

#### **Response to items (c) & (d)**

10. Pursuant to section 40 of the Interpretation and General Clauses Ordinance (Cap. 1), when the Water Authority grants a written permission under the proposed section 14(1) of the WWO, he may impose reasonable conditions subject to which such permission may be granted. Such conditions may include a time limit on the validity of the permission. Therefore, it is considered not necessary to introduce a new subsection under the Bill to a similar effect. WSD will study and collaborate with relevant stakeholders in the plumbing trade in imposing a reasonable time limit, and will consider imposing different time limit for different types of works covered by a permission.

**Development Bureau**

**7 July 2017**

Designated Person (DP)	Trade Division	Skill Level	Number	Work that the DP may carry out under relevant legislation	Plumbing Work that the DP may carry out under the Bill	
					Inside Service	Fire Service
Licensed Plumber			3003*	Construction, installation, maintenance, alteration, repair or removal of a fire service or inside service of any type		
Registered Plumbing Worker	Plumber	(a) Registered Skilled Worker <sup>^</sup>	16145 <sup>#</sup>	Assembling, installing and repairing— (a) pipes, pipe-fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings; (b) pipes and fittings in premises, and any pipes and fittings between premises and a connection to the mains (including the pipes and pipe-fittings forming part of a fire service) which are used for the purposes of a supply within the meaning of the Waterworks Ordinance (Cap 102)	✓	✓
		(b) Registered Semi-skilled Worker	2551 <sup>#</sup>			
	Drain and Pipe Layer (Master)	Registered Skilled Worker	2116 <sup>#</sup>	(a) Assembling, installing and repairing— (i) pipes, pipe-fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings; (ii) pipes and fittings in premises, and any pipes and fittings between premises and a connection to the mains (including the pipes and pipefittings forming part of a fire service) which are used for the purposes of a supply within the meaning of the Waterworks Ordinance (Cap 102) (b) Laying and joining underground drains, constructing manholes, installing pipes and fittings, constructing beds and haunches, and surrounding pipes with concrete (c) Laying water mains, making pressurized joints by mechanical means, installing pipes and fittings, constructing beds and haunches, and surrounding pipes with concrete		
	Fire Service Mechanic (Master)	Registered Skilled Worker	27 <sup>#</sup>	(a) Installing, testing, inspecting, maintaining and repairing fire service piping systems, automatic fire alarm systems, manual fire alarm systems, mechanical or electrical or electronic parts of fire service systems (b) Maintaining, inspecting and repairing portable fire service equipment		
	Fire Service Mechanical Fitter	(a) Registered Skilled Worker (b) Registered Semi-skilled Worker	2349 <sup>#</sup> 586 <sup>#</sup>	Installing, testing, maintaining, inspecting and repairing fire service piping systems and mechanical parts of fire service systems		
Registered Plumbing Worker (Provisional) <sup>~</sup>	Plumber	Registered Skilled Worker (Provisional)	69 <sup>#</sup>	Assembling, installing and repairing— (a) pipes, pipe-fittings, sanitary fixtures, cold, hot and flush water systems, and soil, waste and rain water drainage systems in buildings; (b) pipes and fittings in premises, and any pipes and fittings between premises and a connection to the mains (including the pipes and pipe-fittings forming part of a fire service) which are used for the purposes of a supply within the meaning of the Waterworks Ordinance (Cap 102)	✓	✓
	Fire Service Mechanical Fitter	Registered Skilled Worker (Provisional)	9	Installing, testing, maintaining, inspecting and repairing fire service piping systems and mechanical parts of fire service systems		
A person under instruction and supervision		Registered General Workers <sup>@</sup>	219561 <sup>#</sup>	Same as that of registered plumbing worker and registered plumbing worker (provisional) but he may only work under the instruction and supervision of a licensed plumber or a registered plumbing worker. For details of the instruction and supervision requirement, see paragraph 5 of the main text.	✓	✓

\* Number up to June 2017

# Number by application, up to May 2017

<sup>^</sup> A licensed plumber is qualified to register as a registered skilled worker for the plumber trade division<sup>@</sup> Only registered general workers may work on a construction site within the meaning of the CWRO<sup>~</sup> The number of Registered Semi-skilled Worker (Provisional) in Plumber Trade and Fire Service Mechanical Fitter Trade, and Registered Skilled Worker (Provisional) in Drain and Pipe Layer (Master) Trade are all ZERO.