

## **LEGISLATIVE COUNCIL BRIEF**

### **WATERWORKS (AMENDMENT) BILL 2017**

#### **INTRODUCTION**

At the meeting of the Executive Council on 28 March 2017, the Council ADVISED and the Chief Executive ORDERED that the Waterworks (Amendment) Bill 2017, at Annex A, should be introduced into the Legislative Council.

A

#### **JUSTIFICATIONS**

2. The current section 15(1)<sup>1</sup> of the Waterworks Ordinance (Cap. 102) (WWO) does not reflect the policy intent and the industry practice. Moreover, the Commission of Inquiry into Excess Lead found in Drinking Water (COI)<sup>2</sup> recommended in its report that the Water Authority (WA) should define the duties of licensed plumber (LP) under the WWO, taking into account the relevant provisions of the Construction Workers Registration Ordinance (Cap. 583) (CWRO), which allows workers registered thereunder<sup>3</sup> to perform plumbing installations.

#### **Persons designated for carrying out plumbing works**

3. Under section 15(1) of the WWO, the construction, installation, maintenance, alteration, repair or removal (collectively referred to as “construction, etc.”) of fire services or inside services (collectively referred to as “plumbing system(s)”) must be carried out by an LP or a public officer authorized by the WA. Despite the language of the legislation, it has been the policy intent and the industry practice over the past decades that LPs may be assisted by workers in carrying out the construction, etc. of plumbing systems. Plumbing works cover a lot of menial or repetitive tasks that can be carried out by other persons who have the necessary qualifications or work under proper instruction and supervision. We recognize that skilled workers or semi-skilled workers for relevant designated trade divisions registered under the CWRO are in possession of the relevant trade skills and are qualified to carry out plumbing works competently. In fact, the

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<sup>1</sup> Pursuant to section 15(1) of the WWO, “no fire service or inside service shall be constructed, installed, maintained, altered, repaired or removed by a person other than a licensed plumber or a public officer authorized by the Water Authority”.

<sup>2</sup> The COI was appointed by the Chief Executive in Council on 13 August 2015 to inquire into the incident of excess lead found in drinking water in public rental housing estates.

<sup>3</sup> These workers include registered skilled workers or semi-skilled workers for relevant designated trade divisions and other registered construction workers working under their instruction and supervision.

CWRO will only allow registered skilled workers and semi-skilled workers and other registered construction workers under the instruction and supervision of registered skilled workers and semi-skilled workers to carry out plumbing works when the sections of the CWRO on “designated workers for designated skills” come into force on 1 April 2017<sup>4</sup>.

4. Furthermore, if the construction, etc. of plumbing systems can only be carried out personally by LPs, the workforce demand of LPs will be considerably high and far exceed the current manpower supply, not to mention the consequential increase in the cost of hiring LPs for the construction, etc. of plumbing systems.

5. We propose to amend section 15 of the WWO to include (in addition to LPs and public officers authorized by the WA) skilled workers or semi-skilled workers for the relevant designated trade divisions registered under the CWRO for carrying out the construction, etc. of plumbing systems. We also propose to allow other persons working under the instruction and supervision of LPs, skilled workers or semi-skilled workers for the relevant designated trade divisions (collectively referred to as “supervisor(s)”) to carry out the construction, etc. of plumbing systems. This arrangement will facilitate such other persons to acquire necessary work experience and trade skills for becoming LPs, skilled workers or semi-skilled workers for the relevant designated trade divisions in future.

6. Through the proposed amendments, we can align the requirements on the persons designated for carrying out the construction, etc. of plumbing systems under the WWO with those under the CWRO, and provide additional workforce in the plumbing industry without compromising work quality.

### **Obligation of responsible LPs, supervisors and designated persons for construction, etc. of plumbing systems**

7. Pursuant to section 14(1) of the WWO, no person is allowed to construct, install, alter or remove a plumbing system except with the permission in writing of the WA. At present, it is an administrative requirement that all applications for permissions under section 14(1) of the WWO for the construction, etc. of plumbing systems (a “section 14(1) permission”) are to be made by LPs. The LP who applies for the section 14(1) permission, which is subsequently granted by the WA, for the plumbing works (the “responsible LP”) is required to certify that the completed works covered by that permission comply with section 14(3)<sup>5</sup> of the WWO.

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<sup>4</sup> Sections 3 and 4 of the CWRO only allows registered skilled workers or semi-skilled workers of designated trade divisions, and other registered construction workers under their instruction or supervision, to carry out plumbing works on construction sites.

<sup>5</sup> Section 14(3) of the WWO requires the “construction or installation of a plumbing system to be carried out in such manner as may be prescribed and the nature, size and quality of pipes and fittings of the plumbing system shall be as prescribed”.

8. We propose to formalize the abovementioned administrative requirement by amending the WWO to stipulate that all applications for section 14(1) permission have to be made by LPs.

9. Under section 14(4) of the WWO, any person who contravenes section 14(3) of the WWO is guilty of an offence. With the introduction of responsible LPs and supervisors, we propose to make it clear that if section 14(3) is contravened, the responsible LP and the supervisors may also commit an offence. We propose to add a statutory defence provision for the responsible LP and supervisor, who is charged with the proposed offence, to prove that he or she has taken reasonable steps to ensure that section 14(3) is not contravened. Moreover, we also propose to add a statutory defence provision for a person designated for carrying out the plumbing works, who contravenes section 14(3), to prove that he or she has no reasonable grounds to believe that the carrying out of the relevant works would contravene section 14(3).

### **Other amendments**

10. Under the current WWO, the WA must first obtain the occupier's consent or a magistrate's warrant before entering any premises to ascertain compliance with the WWO<sup>6</sup>. This requirement is potentially detrimental to the effective policing of whether the construction, etc. of plumbing systems are being carried out by designated persons.

11. In contrast, under the CWRO, officers authorized by the Construction Industry Council are empowered to enter construction sites without consent or warrant to ascertain whether the persons carrying out construction work are registered construction workers. A person, who without reasonable excuse, fails to produce the person's registration card on demand by an authorized officer, or provides misleading or false information in relation to whether the person is a registered construction worker, commits an offence<sup>7</sup>.

12. We propose to introduce similar provisions in the WWO to empower the WA to enter into any premises, without consent or warrant, where plumbing works are being carried out for the purpose of ascertaining whether the works are being carried out by persons designated for carrying out the plumbing works. However, we do not propose

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<sup>6</sup> Pursuant to section 12(1)(d) of the WWO, except in case of urgency, the WA must first obtain the consent of the occupier of any premises or a warrant issued by a magistrate before entering the premises to ascertain whether there is in respect of a fire service or inside service on the premises any contravention of the WWO or the WWR.

<sup>7</sup> Pursuant to section 48 of the CWRO, a person who, without reasonable excuse, fails to produce his registration card on demand by an authorized officer commits an offence. Pursuant to section 59(1) of the CWRO, a person who, without reasonable excuse, makes any statement or furnishes any information, which is false or misleading in a material particular in connection with a requirement made by authorized officer to state whether he is a registered construction worker, commits an offence.

to extend this power to enter premises or part of the premises that is used for human habitation<sup>8</sup> so as to minimize intrusion into the privacy of the occupants. Similar offences are also proposed to be included in the WWO for a person, who without reasonable excuse, fails to provide information, or provides misleading or false information, in relation to whether the plumbing works are being carried out by designated person.

13. Furthermore, a person who employs or permits a non-designated person to carry out the construction, etc. of a plumbing system will commit an offence<sup>9</sup>. We propose to add a statutory defence provision for a person, who is charged with the offence, to prove that he or she believed, and it was reasonable for him or her to believe, that the person carrying out the construction, etc. of a plumbing systems is a designated person<sup>10</sup>.

14. At present, a prosecution under the WWO or the Waterworks Regulations (WWR) must commence within six months from the time when the offence was committed pursuant to section 26 of the Magistrates Ordinance (Cap. 227). On many occasions, prosecution against offenders would be time-barred due to the lapse of over six months between the time the offence was committed and the subsequent discovery of the offence.

15. We propose to include a provision in the WWO such that any prosecution under the WWO or the WWR may be brought within a period of six months from the date on which the offence is discovered by, or comes to the notice of, the WA.

16. We propose that the penalty levels of any offences introduced in connection with this proposal be kept in line with those of the current offences under the WWO<sup>11</sup>, i.e. a maximum fine at level 4, which is currently set at \$25,000, and without any imprisonment terms.

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<sup>8</sup> The power of entry without warrant or consent will not extend to cover premises or part of premises that is used for human habitation, or premises used as a hotel, guesthouse, serviced apartment, dormitory, home for elderly persons, home for persons with disabilities, child care centre, nursery or similar establishment.

<sup>9</sup> Pursuant to section 15(3)(b) of the WWO, any person who employs or permits a person other than an LP or a public officer authorized by the WA to carry out the construction, etc. of plumbing systems is guilty of an offence. Following the setting out of designated persons for carrying out the construction, etc. of plumbing systems as stated in paragraph 5, section 15(3)(b) will be amended to the effect that a person who employs or permits a person other than a designated person to carry out the construction, etc. of plumbing systems will commit an offence.

<sup>10</sup> A similar defence provision can be found in section 6(3) of the CWRO which states that if a person is charged for an offence under section 6(2) for employing another person to personally carry out on a construction site construction work, it is a defence for the defendant to prove that he believed, and that it was reasonable for him to believe, the relevant matter exists.

<sup>11</sup> Pursuant to section 35(1) of the WWO, any person who is guilty of an offence under the WWO is liable on summary conviction to a fine at level 4 unless a penalty is otherwise expressly provided.

## **THE BILL**

17. The main provisions are –

- (a) amendments to the WWO that specify the persons designated for carrying out the construction, etc. of plumbing systems; to specify the obligations of responsible LPs, supervisors and designated person in carrying out the construction, etc. of plumbing systems; to create relevant offences and statutory defences; to give power of entry without warrant or consent to the WA to ascertain whether the construction, etc. of plumbing systems are carried out by designated persons; and to revise the time limit for prosecution; and
- (b) associated amendments to the WWR that specify the requirements on inspection and approval of completed plumbing works and installation of meters.

B

The existing provisions being amended are at Annex B.

## **LEGISLATIVE TIMETABLE**

18. The legislative timetable will be –

Publication in the Gazette	31 March 2017
First Reading and commencement of Second Reading debate	26 April 2017
Resumption of Second Reading debate, Committee Stage and Third Reading	to be notified

## **IMPLICATIONS OF THE PROPOSAL**

C

19. The proposal has financial and civil service implications as set out in Annex C.

20. The proposal is in conformity with the Basic Law, including the provisions concerning human rights. It has no economic, competition, productivity, environmental, sustainability, family and gender implications. The amendment Ordinance will not change the binding effect of the WWO.

## **PUBLIC CONSULTATION**

21. We have consulted professional bodies, plumbing trade associations, plumbers associations, workers association, the construction sector, developers, and the Consumer Council on the legislative proposal and obtained general support from them.

We have also conducted a public consultation exercise to gauge public views on the proposal between September and November 2016. Members of the public who responded are either generally supportive or have no adverse comment on the proposal. We have duly considered the comments and suggestions received in the consultation exercise in this proposal.

22. On 24 January 2017, we briefed the Legislative Council Panel on Development on the proposal and our plan to introduce the Bill into the Legislative Council in the second quarter of 2017. The Panel members have no adverse comment on the proposal.

### **PUBLICITY**

23. A press release is to be issued on 29 March 2017 and a spokesman will be available to handle the media and public enquiries. We shall also prepare publications to promulgate the relevant requirements among the trade and public before the commencement of the amended WWO and WWR.

### **BACKGROUND**

24. The current WWO came into force in 1975. Whilst various legislative amendments to the WWO were made over the past decades, the WA has started on a holistic review of the WWO and the WWR to revamp the legislation to cater for the latest development of the plumbing trade, technologies and practices, including a review on the roles and responsibilities of trade personnel and technical requirements and plumbing material standards.

25. While the WA is holistically reviewing the WWO and the WWR, we have examined the recommendations made in the Report of the COI in respect of the duties of LPs. We consider it prudent to prioritize legislative amendments to the WWO to designate the persons for carrying out plumbing works and to stipulate clearly the duties of LPs.

### **ENQUIRIES**

26. For enquiries on this brief, please contact Mr NG Vitus, Principal Assistant Secretary for Development (Works) 3, at 3509 8277.

**Development Bureau**  
**29 March 2017**

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## A BILL

## To

Amend the Waterworks Ordinance and the Waterworks Regulations to revise the requirements relating to the carrying out of works on fire services and inside services.

Enacted by the Legislative Council.

## Part 1

## Preliminary

## 1. Short title and commencement

- (1) This Ordinance may be cited as the Waterworks (Amendment) Ordinance 2017.
- (2) This Ordinance comes into operation on a day to be appointed by the Secretary for Development by notice published in the Gazette.

## 2. Enactments amended

- (1) The Waterworks Ordinance (Cap. 102) is amended as set out in Part 2.
- (2) The Waterworks Regulations (Cap. 102 sub. leg. A) are amended as set out in Part 3.

## Part 2

## Amendments to Waterworks Ordinance

## 3. Section 2 amended (interpretation)

Section 2—

**Add in alphabetical order**

*“registered plumbing worker* (註冊水喉技工), for a particular purpose, means a person specified for the purpose in Part 1 of the Schedule;

*registered plumbing worker (provisional)* (註冊水喉技工(臨時)), for a particular purpose, means a person specified for the purpose in Part 2 of the Schedule;”.

## 4. Section 10 amended (disconnexion of a fire service or inside service)

Section 10(f), after “12”—

**Add**

“or 15A”.

## 5. Sections 13A and 13B added

Part III, before section 14—

**Add****“13A. Meaning of specified plumbing works**

In this Part—

*specified plumbing works* (指明水管工程) means the construction, installation, maintenance, alteration, repair or removal of a fire service or inside service.

**13B. Meaning of carrying out specified plumbing works under instruction and supervision**

For the purposes of this Part, a person carries out specified plumbing works under the instruction and supervision of another person (*supervisor*) if—

- (a) the specified plumbing works are carried out by the person at the direction of the supervisor and within the scope decided by the supervisor; and
- (b) the method and manner in which the specified plumbing works are carried out are specified by the supervisor.”.

**6. Section 14 amended (construction, etc., of fire services and inside services)**

- (1) Section 14, heading—

**Repeal**

“Construction, etc.,”

**Substitute**

“Restriction on construction etc.”.

- (2) Section 14—

**Repeal subsection (1)****Substitute**

“(1) Subject to subsection (2), a person must not construct, install, alter or remove a fire service or inside service unless the Water Authority has granted a written permission for it.

- (1A) A person who contravenes subsection (1) commits an offence.”.

- (3) After section 14(2)—

**Add**

“(2A) The Water Authority may grant the written permission on the Authority’s own initiative or on the application of a licensed plumber.”.

- (4) Section 14—

**Repeal subsection (4)****Substitute**

“(4) If subsection (3) is contravened in relation to the construction or installation of a fire service or inside service, or any part of it, each of the following persons commits an offence—

- (a) a person under whose instruction and supervision the construction or installation is carried out;
- (b) a person who carries out the construction or installation, whether under the instruction and supervision of another person or not;
- (c) if a written permission for the construction or installation was granted under subsection (2A) on the application of a licensed plumber and the plumber is not a person mentioned in paragraph (a) or (b)—the plumber.

- (5) It is a defence for a person charged with an offence under subsection (4) if—

- (a) for a person mentioned in subsection (4)(a) or (c), the person establishes that the person had taken all reasonable steps to ensure that carrying out the construction or installation would not contravene subsection (3); or
- (b) for a person mentioned in subsection (4)(b), the person establishes that—

- (i) the person believed that carrying out the construction or installation would not contravene subsection (3); and
  - (ii) it was reasonable for the person to so believe.
- (6) Without limiting subsection (5)(a), a person mentioned in subsection (4)(a) must not be regarded as having taken all reasonable steps if the person did not, having regard to the matters set out in subsection (7), inspect the carrying out of the construction or installation (*the works*) as often as was reasonable to ensure that the works were carried out in compliance with this Ordinance.
- (7) The matters are—
- (a) the nature of the works;
  - (b) the risks involved in the works; and
  - (c) the knowledge and experience of the person carrying out the works.”.

7. **Section 15 amended (construction, etc. by licensed plumbers)**

- (1) Section 15, heading—

**Repeal**

“Construction, etc. by licensed plumbers”

**Substitute**

“Who may carry out specified plumbing works”.

- (2) Section 15—

**Repeal subsection (1)**

**Substitute**

- “(1) Subject to subsection (2), a person who is not a designated person must not carry out specified plumbing works.”.
- (3) Section 15(2)—
- Repeal**  
everything after “nature”
- Substitute**  
“may be carried out by a person who is not a designated person.”.
- (4) Section 15—
- Repeal subsection (3)**
- Substitute**
- “(3) A person who contravenes subsection (1) commits an offence.
- (4) A person who employs or permits a person who is not a designated person to carry out specified plumbing works commits an offence.
- (5) It is a defence for a person charged with an offence under subsection (4) (*defendant*) if the defendant establishes that—
- (a) the defendant believed that the person who carried out the specified plumbing works was a designated person; and
  - (b) it was reasonable for the defendant to so believe.
- (6) In this section—
- designated person** (指定人士) means—
- (a) a licensed plumber;
  - (b) a registered plumbing worker;

- (c) a registered plumbing worker (provisional);
- (d) a person who carries out specified plumbing works under the instruction and supervision of a licensed plumber or registered plumbing worker; or
- (e) a public officer authorized by the Water Authority.”.

**8. Section 15A added**

After section 15—

**Add****“15A. Power of entry into non-domestic premises and power to question etc.**

- (1) An authorized officer may at any reasonable time—
  - (a) enter any non-domestic premises to ascertain whether specified plumbing works are being, or have been, carried out on the premises in contravention of section 15; or
  - (b) enter any other non-domestic premises for exercising the power under paragraph (a).
- (2) After entering any premises under subsection (1)(a), an authorized officer may exercise any or all of the following powers—
  - (a) take photographs of the premises and the fire service or inside service on the premises;
  - (b) require a person found on the premises to answer a question as to—
    - (i) whether the person is carrying out or has carried out specified plumbing works on the premises; and

- (ii) whether the person is a licensed plumber, registered plumbing worker or registered plumbing worker (provisional) (*qualified person*);
- (c) if a person found on the premises states that the person is a qualified person—
  - (i) require the person to produce documentary proof in support of the statement; or
  - (ii) if the person is not able to produce the documentary proof immediately—require the person to produce the proof at a place and within a reasonable time required by the officer;
- (d) if a person found on the premises states that the person is not a qualified person—
  - (i) require the person to answer a question as to whether the person is carrying out or has carried out specified plumbing works on the premises under the instruction and supervision of a licensed plumber or registered plumbing worker; and
  - (ii) if the person answers the question in the affirmative—require the person to provide to the officer the name and contact details of the person who provided the instruction and supervision;
- (e) if the officer reasonably suspects that there is or has been a contravention of section 15 on the premises, require a person found on the premises to provide to the officer any information that the officer reasonably believes—

- (i) is relevant for ascertaining whether there is or has been a contravention of section 15; and
- (ii) is within the person's knowledge;
- (f) if the officer reasonably suspects that a person found on the premises is contravening or has contravened section 15, after informing the person of the act or omission that may constitute the suspected contravention—
  - (i) detain the person in the premises for a reasonable time for further enquiries about the suspected contravention; and
  - (ii) require the person to provide to the officer the person's name, address, telephone number, proof of identity and any other personal particulars the officer may reasonably require.
- (3) A person who fails to comply with a requirement under subsection (2) commits an offence.
- (4) A person who, in purported compliance with a requirement under subsection (2), makes any statement or provides any information that is false or misleading in a material particular commits an offence.
- (5) It is a defence for a person charged with an offence under subsection (3) if the person establishes that at the time of the alleged offence the person had a reasonable excuse for failing to comply with the requirement.
- (6) It is a defence for a person charged with an offence under subsection (4) if the person establishes that at the time of the alleged offence the person did not know, had no reason to suspect, and could not with reasonable diligence have ascertained, that the statement or

information concerned was false or misleading in a material particular.

- (7) The power under this section is in addition to, and not in derogation of, the power under section 12.

- (8) In this section—

**authorized officer** (獲授權人員) means the Water Authority or a public officer authorized by the Water Authority in writing;

**home for elderly persons** (安老院) means a residential care home as defined by section 2 of the Residential Care Homes (Elderly Persons) Ordinance (Cap. 459);

**home for persons with disabilities** (殘疾人士院舍) means a residential care home for PWDs as defined by section 2 of the Residential Care Homes (Persons with Disabilities) Ordinance (Cap. 613);

**non-domestic premises** (非住用處所) means premises other than those used for human habitation (including those used as a hotel, guesthouse, serviced apartment, dormitory, home for elderly persons, home for persons with disabilities, child care centre, nursery or similar premises)."

## 9. Section 18A added

Part III, after section 18—

**Add**

### "18A. Burden of proof for defence

A person charged with an offence under this Part is taken to have established a fact that needs to be established for the defence if—

- (a) there is sufficient evidence to raise an issue with respect to the fact; and
- (b) the contrary is not proved by the prosecution beyond reasonable doubt.”.

**10. Section 36A added**

After section 36—

**Add****“36A. Time limit for prosecutions**

- (1) A prosecution for a contravention of this Ordinance may be commenced within 6 months beginning on the date immediately after the date on which the contravention is discovered by, or comes to the notice of, the Water Authority.
- (2) This section does not apply in relation to a contravention committed before the date on which the Waterworks (Amendment) Ordinance 2017 ( of 2017) comes into operation.”.

**11. Section 38A added**

After section 38—

**Add****“38A. Amendment of Schedule**

The Secretary for Development may, by notice published in the Gazette, amend the Schedule.”.

**12. Section 40 and Schedule added**

After section 39—

**Add****“40. Transitional and saving provisions for Waterworks (Amendment) Ordinance 2017**

- (1) A permission granted on the application of a licensed plumber before the commencement date for the construction, installation, alteration or removal of a fire service or inside service (*the works*) that has not been completed immediately before that date continues to have effect after that date as if it were granted for the works under section 14(2A) on the application of the plumber.
- (2) An application for a permission for the works made by a licensed plumber that is still pending immediately before the commencement date is to continue to be processed as if the amending Ordinance had not been enacted and, if the permission is granted, the permission is to have effect as if it were granted for the works under section 14(2A) on the application of the plumber.
- (3) If section 14(3) is contravened in relation to the construction or installation of a fire service or inside service, or any part of it, for which there was a permission granted before the commencement date—
  - (a) section 14 of the pre-amended Ordinance continues to apply in relation to the contravention as if the amending Ordinance had not been enacted; and
  - (b) section 36A applies in relation to the contravention.
- (4) In this section—  
*amending Ordinance* (《修訂條例》) means the Waterworks (Amendment) Ordinance 2017 ( of 2017);  
*commencement date* (生效日期) means the date on which the amending Ordinance comes into operation;

*permission* (許可) means a written permission mentioned in section 14;

*pre-amended Ordinance* (《未經修訂條例》) means this Ordinance as in force immediately before the commencement date.

## Schedule

[ss. 2 & 38A]

### Registered Plumbing Worker and Registered Plumbing Worker (Provisional)

#### Part 1

#### Registered Plumbing Worker

1. For the construction, installation, maintenance, alteration, repair or removal of a fire service or the installation of a meter, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—
  - (a) a registered skilled worker for the plumber trade division;
  - (b) a registered skilled worker for the drain and pipe layer (master) trade division;
  - (c) a registered skilled worker for the fire service mechanic (master) trade division;

- (d) a registered skilled worker for the fire service mechanical fitter trade division;
- (e) a registered semi-skilled worker for the plumber trade division; or
- (f) a registered semi-skilled worker for the fire service mechanical fitter trade division.

2. For the construction, installation, maintenance, alteration, repair or removal of an inside service, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—
  - (a) a registered skilled worker for the plumber trade division;
  - (b) a registered skilled worker for the drain and pipe layer (master) trade division; or
  - (c) a registered semi-skilled worker for the plumber trade division.

#### Part 2

#### Registered Plumbing Worker (Provisional)

1. For the construction, installation, maintenance, alteration, repair or removal of a fire service or the installation of a meter, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—
  - (a) a registered skilled worker (provisional) for the plumber trade division;
  - (b) a registered skilled worker (provisional) for the drain and pipe layer (master) trade division;

- (c) a registered skilled worker (provisional) for the fire service mechanical fitter trade division;
- (d) a registered semi-skilled worker (provisional) for the plumber trade division; or
- (e) a registered semi-skilled worker (provisional) for the fire service mechanical fitter trade division.

2. For the construction, installation, maintenance, alteration, repair or removal of an inside service, a person who is registered under the Construction Workers Registration Ordinance (Cap. 583) as—

- (a) a registered skilled worker (provisional) for the plumber trade division;
- (b) a registered skilled worker (provisional) for the drain and pipe layer (master) trade division; or
- (c) a registered semi-skilled worker (provisional) for the plumber trade division.”

**13. “拆除” substituted for “移動”**

The following provisions, Chinese text—

- (a) Section 2, definition of 持牌水喉匠;
- (b) Section 4(2);
- (c) Section 9(c);
- (d) Section 12(1)(e);
- (e) Section 17(1) and (2);
- (f) Section 37(1)(b) and (e)—

**Repeal**

“移動” (wherever appearing)

**Substitute**

“拆除”.

**Part 3****Amendments to Waterworks Regulations****14. Regulation 6 amended (inspection and approval of works)****(1) Regulation 6(1)—****Repeal**

“A person who constructs or installs a fire service or inside service shall”

**Substitute**

“If the construction or installation of a fire service or inside service is carried out with a written permission granted under section 14(2A) of the Ordinance on an application of a licensed plumber, the plumber must”.

**(2) Regulation 6(2)—****Repeal**

“A person who makes any alterations to a fire service or inside service shall”

**Substitute**

“If the alteration of a fire service or inside service is carried out with a written permission granted under section 14(2A) of the Ordinance on an application of a licensed plumber, the plumber must”.

**(3) Regulation 6(2), English text—****Repeal**

“alterations.”

**Substitute**

“alteration.”.

**(4) Regulation 6(5), English text—****Repeal**

“he shall”

**Substitute**

“, the Water Authority must”.

**15. Regulation 26 amended (installation of meters)****Regulation 26(2A)(b)—****Repeal**

everything after “by”

**Substitute**

“any of the following persons in the manner specified by the Water Authority—

- (i) a licensed plumber;
- (ii) a registered plumbing worker;
- (iii) a registered plumbing worker (provisional).”.

**16. Regulation 51A added****After regulation 51—****Add****“51A. Time limit for prosecutions**

- (1) A prosecution for a contravention of these regulations may be commenced within 6 months beginning on the date immediately after the date on which the contravention is discovered by, or comes to the notice of, the Water Authority.
- (2) This regulation does not apply in relation to a contravention committed before the date on which the

Waterworks (Amendment) Ordinance 2017 ( of  
2017) comes into operation.”.

17. “拆除” substituted for “移動”

The following provisions, Chinese text—

- (a) Regulation 3(1);
- (b) Regulation 5(1);
- (c) Regulation 35(1) and (2);
- (d) Regulation 37(1)(b)—

**Repeal**

“移動” (wherever appearing)

**Substitute**

“拆除”.

**Explanatory Memorandum**

The object of this Bill is to amend the Waterworks Ordinance (Cap. 102) (*Ordinance*) and the Waterworks Regulations (Cap. 102 sub. leg. A) (*Regulations*) to revise the requirements relating to the carrying out of works on fire services and inside services.

2. Clause 1 sets out the short title and provides for commencement.
3. Clause 3 amends section 2 of the Ordinance to add the new definitions of *registered plumbing worker* and *registered plumbing worker (provisional)*. Clause 12 adds a new Schedule to the Ordinance to set out the persons who are registered plumbing workers and registered plumbing workers (provisional). The Schedule may be amended by the Secretary for Development (new section 38A of the Ordinance added by clause 11).
4. Clause 6 amends section 14 of the Ordinance. The main purposes are to specify that only a licensed plumber may apply for a written permission of the Director of Water Supplies (*Water Authority*) and to provide that, in the case of a contravention of section 14(3) of the Ordinance, the person who instructs and supervises another person in carrying out the works concerned and the licensed plumber will also be liable.
5. Clause 7 amends section 15 of the Ordinance. The main purpose is to provide that works on a fire service or inside service may only be carried out by a licensed plumber, a registered plumbing worker, a registered plumbing worker (provisional), a person carrying out the works under the instruction and supervision (as defined by new section 13B of the Ordinance added by clause 5) of a licensed plumber or registered plumbing worker, or a public officer authorized by the Water Authority.
6. Clause 8 adds a new section 15A to the Ordinance to empower the Water Authority or a public officer authorized by the Water

Authority in writing (*authorized officer*) to enter any non-domestic premises without a warrant or the consent of the occupier of the premises to ascertain whether section 15 of the Ordinance is contravened and to exercise other related powers. Section 10 of the Ordinance is also amended to provide that the Water Authority may disconnect a fire service or inside service if the Water Authority or an authorized officer is obstructed from entering the premises or carrying out any function under the new section 15A of the Ordinance (see clause 4).

7. Clause 9 adds a new section 18A to the Ordinance to provide that the burden of proof for a defence under Part III of the Ordinance is an evidential burden.
8. Clause 10 adds a new section 36A to the Ordinance to provide that the time limit for the prosecution for a contravention of the Ordinance after the commencement date of the Waterworks (Amendment) Ordinance 2017 is 6 months from the discovery of the contravention.
9. Clause 12 adds a new section 40 to the Ordinance to provide for the transitional and saving provisions. In particular, if section 14(3) of the Ordinance is contravened for works carried out with a written permission granted before the commencement date of the Waterworks (Amendment) Ordinance 2017, the person concerned will commit an offence under section 14 of the pre-amended Ordinance instead of the amended section 14 of the Ordinance.
10. Clause 14 amends regulation 6 of the Regulations to bring the requirement in that regulation in line with the new requirement for the application for a written permission of the Water Authority in the amended section 14 of the Ordinance.
11. Clause 15 amends regulation 26 of the Regulations to specify the persons who may install a meter on a fire service or inside service.

12. Clause 16 adds a new regulation 51A to the Regulations to provide that the time limit for the prosecution for a contravention of the Regulations after the commencement date of the Waterworks (Amendment) Ordinance 2017 is 6 months from the discovery of the contravention.
13. Clauses 13 and 17 make minor textual amendments to the Chinese text of the Ordinance and that of the Regulations respectively.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
Section:	2	Interpretation	E.R. 1 of 2017	15/02/2017

In this Ordinance, unless the context otherwise requires-

**agent** (代理人) means a person who is approved under section 7 as an agent of a communal service;

**charge** (收費) means any charge for water, any fee, the cost of repairs or other works carried out by the Water Authority under section 17, and any other charge, including a surcharge, which is payable under this Ordinance;

**communal service** (公用供水系統) means that part of a fire service or inside service which is used in common by more than one consumer in the same premises;

**connexion to the main** (總水管接駁裝配) means the pipe between the main and the control valve which is nearest to the main and which regulates the flow of a supply from the main into a fire service or inside service, such control valve and all fittings between such control valve and the main;

**consumer** (用戶) means a person who is approved under section 7 as a consumer of a fire service or inside service;

**consumption** (用水量) means the supply obtained;

**deposit** (按金) means a deposit under section 19;

**domestic purpose** (住宅用途) means a purpose connected solely with the occupation of a dwelling-house and does not include a purpose connected with a garden, lawn, playground or swimming pool appurtenant to a dwelling-house;

**fire service** (消防供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connexion to the main, which are used or are intended to be used for a supply solely for the purposes of fire fighting;

**fitting** (裝置) means-

- (a) any apparatus, cistern, cock, equipment, machinery, material, tank, tap and valve; and
- (b) any appliance or device other than a meter, which is installed or used in a fire service or inside service;

**gathering ground** (集水區) means any surface of land-

- (a) in or by which rain or other water is collected and from which water is, or is intended to be, drawn for the purposes of a supply; and
- (b) which is mapped as a gathering ground under section 23;

**inside service** (內部供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connexion to the main, (other than the pipes and fittings forming part of a fire service) which are used or are intended to be used for the purposes of a supply;

**land held by the Government** (政府持有的土地) means land which is not-

- (a) leased land; or
- (b) occupied under-
  - (i) a licence issued under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap 28);
  - (ii) a licence or permit granted or issued under any other Ordinance; or
  - (iii) a deed or memorandum of appropriation; (Amended 29 of 1998 s. 23)

**leased land** (已批租土地) means land which is-

- (a) held under a Government lease; or (Amended 29 of 1998 s. 105)
- (b) vested in a person by an Ordinance;

**licensed plumber** (持牌水喉匠) means a person licensed under this Ordinance to construct, install, maintain, alter, repair or remove fire services or inside services; (Amended 81 of 1992 s. 2)

**main** (總水管) includes a connexion to the main and any pipe owned by the Government and maintained by the Water Authority for the purposes of a supply;

**meter** (水錶) means an appliance or device owned by the Government and maintained by the Water Authority for the purpose of measuring consumption;

**premises** (處所) means any building or structure or any part thereof and any place-

- (a) in which there is a fire service, inside service or any part of the waterworks; or

(b) in which a fire service or inside service is intended to be constructed or installed;  
**public standpipe** (公眾街喉) means a standpipe owned by the Government and established by the Water Authority under section 13;  
**supply** (供水) means a supply of water provided by the Water Authority from the waterworks;  
**Water Authority** (水務監督) means the Director of Water Supplies; (Amended L.N. 76 of 1982)  
**waterworks** (水務設施) means any property occupied, used or maintained by the Water Authority for the purposes of this Ordinance and any gathering ground.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	4	Duties of the Water Authority	E.R. 1 of 2017	15/02/2017
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- (1) The duties of the Water Authority shall be-
  - (a) to supply water from the waterworks in accordance with this Ordinance;
  - (b) to acquire and conserve water;
  - (c) to supervise and regulate consumption;
  - (d) to ensure the proper administration and management of the waterworks, and to make due provision for the security thereof;
  - (e) to require payment of any charge and take such steps as may be necessary to enforce such payment; and
  - (f) generally to administer the provisions of this Ordinance.
- (2) The Water Authority may do all things necessary or convenient to be done for and in connexion with or incidental to the due discharge of his duties under this Ordinance and in particular may construct, install, inspect, test, regulate, alter, repair or remove any part of the waterworks in, under or over any street or land held by the Government. (Amended 29 of 1998 s. 105)

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	9	Restriction or suspension of a supply	E.R. 1 of 2017	15/02/2017
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The Water Authority may restrict or suspend a supply, for such time as he thinks fit, if he is satisfied that this is necessary or expedient-

- (a) to conserve water;
- (b) to prevent waste of water;
- (c) to construct, install, inspect, test, regulate, alter, repair or remove any part of the waterworks or any fire service or inside service;
- (d) to avoid damage to, or a breakdown in, the waterworks or any fire service or inside service, whether from fire, pollution, waste or otherwise; or
- (e) for the protection of life or property.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	10	Disconnexion of a fire service or inside service	E.R. 1 of 2017	15/02/2017
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The Water Authority may disconnect a fire service or inside service if-

- (a) any charge in respect of the fire service or inside service is not paid;
- (b) there is no consumer for the fire service or inside service or, if there is a communal service, no agent for the communal service;
- (c) the fire service or inside service does not, in the opinion of the Water Authority, comply with the provisions of this Ordinance;
- (d) the fire service or inside service is constructed, installed, or altered without his permission;
- (e) the consumer or agent, on receipt of a notice under section 16, fails to carry out the repairs or other works specified in the notice;

- (f) the Water Authority, or any person authorized by him in writing, is obstructed from entering the premises or carrying out any function under section 12; (Amended 81 of 1992 s. 4)
- (g) the Water Authority is satisfied that waste, misuse or pollution of the supply has occurred or is likely to occur; or (Amended 81 of 1992 s. 4)
- (h) the occupier (if any) of the premises and the consumer, on receipt of a notice in writing from the Water Authority requiring them to make reasonable arrangements to enable the Water Authority or any person authorized by him in writing to enter the premises or carry out any function under section 12, fail to make such arrangements within a reasonable time. (Added 81 of 1992 s. 4)

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	12	Power of entry into premises	E.R. 1 of 2017	15/02/2017
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- (1) Subject to subsection (2), the Water Authority, and any person authorized by him in writing, may enter at any reasonable time, or in case of urgency at any time, any premises to-
  - (a) ascertain consumption;
  - (b) restrict or suspend a supply under section 9;
  - (c) disconnect a fire service or inside service under section 10 or 19(2);
  - (d) ascertain whether there is in respect of a fire service or inside service on the premises any contravention of this Ordinance;
  - (e) install, inspect, test, regulate, alter, repair or remove any part of the waterworks or any fire service or inside service therein.
- (2) Except in case of urgency, neither the Water Authority nor a person authorized by him may enter any premises under subsection (1) unless he-
  - (a) first obtains the consent of the occupier of such premises; or
  - (b) first obtains a warrant under subsection (3).
- (3) If it is shown to the satisfaction of a magistrate on sworn information in writing that-
  - (a) admission to any premises has been refused, or refusal is apprehended, or the premises are unoccupied, or the occupier is temporarily absent, or an application for admission would defeat the object of the entry;
  - (b) there is reasonable ground for entry into the premises for any purpose specified in subsection (1); and
  - (c) notice of the intention to apply for the warrant has been served on the occupier of the premises, or such notice cannot be served because the premises are unoccupied or the occupier is temporarily absent, or the serving of such notice would defeat the object of the entry,
 the magistrate may by warrant authorize the Water Authority, or any person authorized by the Water Authority in writing, to enter the premises, if need be by force. (Amended 47 of 1997 s. 10)
- (4) The Water Authority, or any person authorized by him, entering any premises under this section may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered shall leave them as effectually secured against trespassers as he found them to be at the time of entry.
- (5) Every warrant issued under subsection (3) shall continue in force until the purpose of which the entry is necessary has been satisfied.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	14	Construction, etc., of fire services and inside services	E.R. 1 of 2017	15/02/2017
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- (1) Subject to subsection (2), no person shall, except with the permission in writing of the Water Authority, construct, install, alter or remove a fire service or inside service.
- (2) The Water Authority may waive the requirement of permission under subsection (1) in the case of alterations to a fire service or inside service which are, in his opinion, of a minor nature.
- (3) The construction or installation of a fire service or inside service shall be carried out in such manner as may be prescribed and the nature, size and quality of the pipes and fittings of the fire service or inside service shall be as prescribed.
- (4) Any person who contravenes subsection (1) or (3) shall be guilty of an offence.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	15	Construction, etc. by licensed plumbers	E.R. 1 of 2017	15/02/2017
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- (1) Subject to subsection (2), no fire service or inside service shall be constructed, installed, maintained, altered, repaired or removed by a person other than a licensed plumber or a public officer authorized by the Water Authority.
- (2) Alterations or repairs to a fire service or inside service which are, in the opinion of the Water Authority, of a minor nature, or the rewashering of a tap, may be carried out by a person other than a licensed plumber or a public officer authorized by the Water Authority.
- (3) Subject to subsection (2), any person who-
  - (a) contravenes subsection (1); or
  - (b) employs or permits a person other than a licensed plumber or a public officer authorized by the Water Authority to construct, install, maintain, alter, repair or remove a fire service or inside service, shall be guilty of an offence.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	17	Cost of constructing, etc., fire services and inside services	E.R. 1 of 2017	15/02/2017
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- (1) Subject to subsection (2), a consumer shall bear the cost of constructing, installing, maintaining, altering, repairing or removing a fire service or inside service.
- (2) The cost of maintaining, altering, repairing or removing-
  - (a) a communal service shall be borne by the agent;
  - (b) any part of a fire service or inside service which is on land held by the Government shall be borne by the Water Authority. (Amended 29 of 1998 s. 105)
- (3) The Water Authority may alter or repair a fire service or inside service at the request of a consumer, or a communal service at the request of an agent, and the cost thereof shall, subject to subsection (2)(b), be payable by the person at whose request such alteration or repair is carried out.
- (4) If a consumer or agent, on receipt of a notice under section 16, fails to carry out the repairs or other works specified in the notice, the Water Authority may carry out the repairs or other works and the cost thereof shall be payable by the consumer or agent.

Chapter:	102	Waterworks Ordinance	Gazette Number	Version Date
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Section:	37	Regulations	E.R. 1 of 2017	15/02/2017
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- (1) The Chief Executive in Council may make regulations for all or any of the following matters- (Amended 57 of 1999 s. 3)
  - (a) the quality and type of a supply;
  - (b) the construction, installation, maintenance, cleanliness, alteration, repair or removal of a fire service or inside service;
  - (c) the connexion or reconnexion of a fire service or inside service to the main and the conditions subject to which such connexion or reconnexion may be made;
  - (d) the method of measuring or assessing consumption;
  - (e) the provision, number, size, installation, maintenance, repair, removal and custody of meters in premises;
  - (f) the use of a supply for any particular purpose;
  - (g) the prevention of waste or misuse of a supply;
  - (h) the control of consumption from public standpipes;
  - (i) the restriction or suspension of a supply or the disconnexion of a fire service or inside service;
  - (j) the charges payable under this Ordinance;
  - (k) the deposits to be paid by consumers;

- (l) the surcharge which may be levied on an unpaid charge;
  - (m) the licensing of plumbers for the purposes of this Ordinance and control of licensed plumbers;
  - (n) the taking of fish in waters forming part of the waterworks and the arrest by an officer empowered under such regulations of any person who he has reason to believe has contravened any specified regulation made under this paragraph;
  - (o) the prohibition and control of access to gathering grounds;
  - (p) the provision and control of burial grounds, camping sites and recreational facilities in gathering grounds;
  - (q) the control over the use of gathering grounds for any purpose other than those specified in paragraph (p);
  - (r) the service of any notice, form or other document under this Ordinance;
  - (s) the signature on any notice, form or other document under this Ordinance or the printing of a name in lieu of the signature;
  - (t) prescribing anything which under this Ordinance is to be or may be prescribed; and
  - (u) generally for the better carrying out of this Ordinance.
- (2) A regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe a penalty for such offence not exceeding a fine at level 3. (Amended 27 of 1983 s. 3; L.N. 266 of 2006)
- (3) Regulations made under subsection (1)(o), (p) or (q) shall not apply to leased land within a gathering ground.

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	3	Permission to construct, etc., a fire service	E.R. 2 of 2012	02/08/2012
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- (1) Where permission is required under the Ordinance to construct, install, alter or remove a fire service, application for such permission shall be made to the Water Authority in such form as may be specified and the application shall be accompanied by such plans, specifications and other information as the Water Authority may require.
- (2) Before submitting an application under subregulation (1), the applicant-
  - (a) (Repealed L.N. 673 of 1994)
  - (b) if a new fire service requires a direct connection to the main, shall-
    - (i) obtain from the Water Authority such information as is relevant to the design of the fire service; and
    - (ii) submit to the Water Authority for approval, in such form as he may require, plumbing proposals in respect of the fire service.
- (3) (Repealed L.N. 673 of 1994)
- (4) The Water Authority shall decide the size and position of a connection to the main in respect of a fire service.
- (5) The Water Authority shall, if he refuses to grant permission to carry out any works specified in an application under subregulation (1), return the application to the applicant and state the reasons for such refusal.

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	5	Permission to construct, etc., an inside service	E.R. 2 of 2012	02/08/2012
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- (1) Where permission is required under the Ordinance to construct, install, alter or remove an inside service, application for such permission shall be made to the Water Authority in such form as may be specified and the application shall be accompanied by such plans, specifications and other information as the Water Authority may require.
- (2) If a new inside service is to be constructed or installed, the applicant shall, before submitting an application under subregulation (1),-
  - (a) obtain from the Water Authority such information as is relevant to the design of the inside service; and
  - (b) submit to the Water Authority for approval, in such form as he may require, plumbing proposals in respect of the inside service.
- (3) (Repealed L.N. 673 of 1994)
- (4) The Water Authority shall decide the size and position of a connection to the main in respect of an inside service.

- (5) The Water Authority shall, if he refuses to grant permission to carry out any works specified in an application under subregulation (1), return the application to the applicant and state the reasons for such refusal.

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	6	Inspection and approval of works	E.R. 2 of 2012	02/08/2012
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- (1) A person who constructs or installs a fire service or inside service shall apply to the Water Authority in such form as may be specified for-
  - (a) inspection and approval of the fire service or inside service; and
  - (b) a connection to the main and, if necessary, the installation of the part of the fire service or inside service on land held by the Government. (29 of 1998 s. 105)
- (2) A person who makes any alterations to a fire service or inside service shall apply to the Water Authority in such form as may be specified for inspection and approval of the alterations.
- (3) No pipe or fitting forming part of a fire service or inside service shall be used or covered up until it has been inspected and approved by the Water Authority.
- (4) Approval of a fire service or inside service or any alterations thereto may be withheld until any requirement of the Water Authority is complied with.
- (5) If a fire service or inside service is approved by the Water Authority he shall, on payment of the charge prescribed in Part 1 of Schedule 1, make the connection to the main and, if necessary, install the part of the fire service or inside service on land held by the Government. (29 of 1998 s. 105)

(E.R. 2 of 2012)

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	26	Installation of meters	E.R. 2 of 2012	02/08/2012
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- (1) The Water Authority shall determine the size and the number of meters which shall be installed on any fire service or inside service.
- (2) Subject to subregulation (2A), all meters shall be provided by the Water Authority. (L.N. 320 of 1992)
- (2A) Where a meter is to be installed on a fire service or inside service, the Water Authority-
  - (a) if he wishes to do so, may, on payment of the charge prescribed in Part 1 of Schedule 1, provide and install a meter; or
  - (b) if he does not so wish, shall, on payment of the charge prescribed in Part 1 of Schedule 1, provide a meter and allow it to be installed by a licensed plumber in such manner as the Water Authority may specify. (L.N. 320 of 1992)
- (2B) Where a meter is installed otherwise than by the Water Authority, he may refuse to connect the supply until the installation has been inspected and approved by him. (L.N. 320 of 1992)
- (3) If the seal fixed on a meter by the Water Authority is broken by any person other than the Water Authority or any person authorized by him it shall be replaced by the Water Authority and the consumer responsible for the custody of the meter shall be liable to pay the charge prescribed in Part 1 of Schedule 1.
- (4) No consumer shall permit any meter to be removed from a fire service or inside service unless the person seeking to remove such meter presents to the consumer a written authority from the Water Authority authorizing him to remove such meter.
- (5) The Water Authority may change a meter at any time.

(E.R. 2 of 2012)

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	35	Grades of plumbers' licences	E.R. 2 of 2012	02/08/2012
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- (1) A plumber's licence issued under regulation 34 pursuant to an application received before the commencement of the Waterworks (Amendment) (No. 2) Regulation 1992 (L.N. 320 of 1992) may be of either of the following

grades and shall be valid for the type of work indicated in the licence-

- (a) Grade I- For the construction, installation, maintenance, alteration, repair or removal of a fire service or inside service of any type.
  - (b) Grade II- (i) For the maintenance and repair of a fire service or inside service; and  
(ii) for the installation, maintenance, repair or removal of water appliances.
- (2) A plumber's licence issued under regulation 34 pursuant to an application received after the date referred to in subregulation (1) shall, subject to subregulation (3), be a Grade I licence, valid for the construction, installation, maintenance, alteration, repair or removal of a fire service or inside service of any type.
  - (3) The licensing authority may impose any limitation or condition as he thinks fit on the type of work which may be carried out by a holder of a plumber's licence.

(L.N. 320 of 1992)

Chapter:	102A	Waterworks Regulations	Gazette Number	Version Date
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Regulation:	37	Power to cancel plumber's licence	E.R. 2 of 2012	02/08/2012
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- (1) The licensing authority may cancel a plumber's licence at any time if-
  - (a) he is satisfied that the plumber's licence was obtained by misrepresentation or fraud; or
  - (b) the holder contravenes any of the provisions of the Ordinance in respect of the construction, installation, maintenance, alteration, repair or removal of a fire service or inside service.
- (2) The licensing authority may suspend a plumber's licence for any period not exceeding 6 months for any contravention specified in subregulation (1)(b).
- (3) Any person who is aggrieved by the cancellation or suspension of a plumber's licence may, within 14 days after the receipt of the notice of cancellation or suspension, appeal to the Water Authority whose decision shall be final.

## **FINANCIAL AND CIVIL SERVICE IMPLICATIONS OF THE PROPOSAL**

Additional manpower will be required for implementing the legislative proposal, such as to ascertain whether the works are carried out by persons designated for the construction, etc. of plumbing systems<sup>1</sup> and to take legal actions against persons contravening the WWO in anticipation of the increased workload due to the change of the time limit for prosecution<sup>2</sup>. Any additional manpower resources required will be sought with justifications in accordance with established resource allocation mechanism. The fines collected in connection with the legislative proposal will be credited to the General Revenue Account in accordance with the established practice.

2. We have consulted four relevant Bureaux and 29 relevant Departments between August 2016 and November 2016. A briefing session was also held in November 2016 to explain to the representatives from the Bureaux and Departments in regard to the proposal. We have taken into account the comments and suggestions provided by the Bureaux and Departments and have appropriately refined the proposal.

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<sup>1</sup> See paragraph 12 of the main text.

<sup>2</sup> See paragraph 14 of the main text.

## LIST OF ABBREVIATIONS

COI	Commission of Inquiry into Excess Lead found in Drinking Water
construction, etc.	construction, installation, maintenance, alteration, repair or removal
CWRO	Construction Workers Registration Ordinance (Cap. 583)
LP	licensed plumber
plumbing system(s)	fire services or inside services
responsible LP	the LP who applies for the section 14(1) permission, which is subsequently granted by the WA, for the plumbing works
section 14(1) permission	permissions under section 14(1) of the WWO for the construction, etc. of plumbing systems
supervisor(s)	LPs, skilled workers or semi-skilled workers for the relevant designated trade divisions
WA	Water Authority
WWO	Waterworks Ordinance (Cap. 102)
WWR	Waterworks Regulations (Cap. 102A)