

立法會
Legislative Council

LC Paper No. CB(1)1388/16-17
(These minutes have been seen
by the Administration)

Ref : CB1/SS/13/16

Subcommittee on Waterworks (Amendment) Regulation 2017

**Minutes of first meeting held on
Tuesday, 6 June 2017, at 8:45 am
in Conference Room 2 of the Legislative Council Complex**

Members present : Hon LEUNG Che-cheung, BBS, MH, JP (Chairman)
Dr Hon Helena WONG Pik-wan (Deputy Chairman)
Hon Alice MAK Mei-kuen, BBS, JP
Hon SHIU Ka-fai
Dr Hon YIU Chung-yim

Member absent : Hon Andrew WAN Siu-kin

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

Public Officers attending : Agenda item II
Development Bureau
Mr Vincent MAK
Deputy Secretary (Works) 2
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)

Mr Chan Kin-hung
Mechanical Engineer/Legislative Review

Department of Justice

Miss Selina LAU
Senior Assistant Law Draftsman

Miss Wendy HO
Government Counsel

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

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Fred PANG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I Election of Chairman

Election of Chairman

Mr LEUNG Che-cheung, the member who had the highest precedence in the Council among members of the Subcommittee present at the meeting, presided over the election of Chairman of the Subcommittee. He invited nominations for the chairmanship.

2. Mr SHIU Ka-fai nominated Mr LEUNG Che-cheung and the nomination was seconded by Ms Alice MAK. Mr LEUNG accepted the nomination. There being no other nomination, Mr LEUNG Che-cheung was elected Chairman of the Subcommittee.

Election of Deputy Chairman

3. The Chairman called for nominations for the deputy chairmanship for the Subcommittee. Dr Helena WONG nominated herself and the nomination was seconded by Dr YIU Chung-yim. There being no other nomination, the Chairman declared that Dr Helena WONG was elected as the Deputy Chairman of the Subcommittee.

Withdrawal of membership

4. The Chairman informed members that Mr LAU Kwok-fan had informed the Secretariat in writing of his withdrawal from the Subcommittee with effect from 5 June 2017.

(Post-meeting note: A copy of Mr LAU's letter was issued to members vide LC Paper No. CB(1)1083/16-17(01) on 6 June 2017.)

II Meeting with the Administration

- | | |
|----------------------------------|---|
| (L.N. 81 of 2017 | — Waterworks (Amendment) Regulation 2017 |
| File Ref: DEVB(CR)(W)1-10/49 | — Legislative Council Brief |
| LC Paper No. LS69/16-17 | — Legal Service Division Report |
| LC Paper No. CB(1)1045/16-17(01) | — Marked-up copy of the Waterworks (Amendment) Regulation 2017 prepared by the Legal Service Division
<i>(Restricted to members)</i> |
| LC Paper No. CB(1)1045/16-17(02) | — Assistant Legal Adviser's letter dated 29 May 2017 to the Administration |

LC Paper No. CB(1)1045/16-17(03) — Administration's reply to Assistant Legal Adviser's letter dated 3 June 2017)

5. The Subcommittee deliberated (index of proceedings in the **Appendix**).
6. The Subcommittee commenced the section-by-section examination of the Chinese text of the Waterworks (Amendment) Regulation 2017 (L.N. 81)("Amendment Regulation").
7. During the deliberations of the Subcommittee, the Chairman suspended the meeting at 9:47 am and 10:22 am to allow members who were also members of the Establishment Subcommittee ("ESC") to proceed to the meeting venue of ESC for voting. The meeting was resumed at 9:53 am and 10:31 am respectively.

Follow-up actions to be taken by the Administration

8. The Administration was requested to provide the following information:
 - (a) list of the technical/material standards covered in the Amendment Regulation and their details including the existing standards to be superseded by these technical/material standards, the scope of matters to be regulated by these technical/material standards, etc.;
 - (b) types/scope of powers that could be exercised by the Water Authority under the current section 16(1) of the Waterworks Ordinance (Cap. 102), and the considerations in exercising the powers;
 - (c) explanation on whether and how L.N. 81 could regulate the pipes/fittings/plumbing systems installed before L.N. 81 came into operation, so that the use of them would not cause drinking water quality/safety problems; and
 - (d) if the issue in (c) above could not be addressed by the current amendments in L.N. 81, whether the Administration would revise these amendments or add new amendments to address the issue, and if not, how and when the Administration would address it.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1151/16-17(02) on 16 June 2017.)

Invitation of views

9. Members agreed to invite views on the Amendment Regulation from interested parties.

(Post-meeting note: An invitation for public submissions on the Amendment Regulation was uploaded onto the LegCo website on 6 June 2017. Invitation letters for views on the Amendment Regulation from the District Councils and relevant organizations were also issued.)

Legislative timetable and extension of scrutiny period

10. The Subcommittee noted that the scrutiny period of the Amendment Regulation would expire at the Council meeting of 21 June 2017. To allow more time for the Subcommittee to study the Amendment Regulation, members agreed that the Chairman would move a motion at a Council meeting to extend the scrutiny period to the Council meeting of 12 July 2017. Members noted that, upon extension of the scrutiny period, the deadline for giving notice of motion to amend the Amendment Regulation would be 5 July 2017. The Chairman would report the deliberations of the Subcommittee to the House Committee at its meeting on 30 June 2017.

(Post-meeting note: At its meeting of 14 June 2017, the Council passed a motion to extend the scrutiny period to the Council meeting of 12 July 2017.)

Dates of second and third meetings

11. The Subcommittee agreed to schedule the next meeting on 20 June 2017 from 8:30 am to 10:30 am to receive views on the Amendment Regulation. Members also agreed to schedule the third meeting on 27 June 2017 from 2:30 pm to 4:30 pm.

(Post-meeting note: The notice of the two meetings was issued to members vide LC Paper No. CB(1)1084/16-17 on 6 June 2017.)

III Any other business

12. There being no other business, the meeting ended at 10:39 am.

Council Business Division 1
Legislative Council Secretariat
25 August 2017

**Proceedings of first meeting of the
Subcommittee on Waterworks (Amendment) Regulation 2017
on Tuesday, 6 June 2017, at 8:45 am
in Conference Room 2 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Election of Chairman			
000120 – 000320	Mr LEUNG Che-cheung Ms Alice MAK Dr Helena WONG Mr SHIU Ka-fai Dr YIU Chung-yim	Election of Chairman and Deputy Chairman	
000320 – 000344	Chairman	Withdrawal of membership	
Meeting with the Administration			
000345 – 001004	Chairman Administration	Briefing by the Administration	
001005 – 001814	Chairman Dr Helena WONG Administration Assistant Legal Adviser 6 ("ALA6")	<p>Noting that according to the Administration, amendments to the Waterworks Ordinance (Cap. 102)("WWO") and Waterworks Regulations (Cap. 102A)("WWR") would be carried out in phases, and the Waterworks (Amendment) Regulation 2017 (L.N. 81) ("Amendment Regulation") was part of the first phase amendments, the Chairman enquired about the extent of changes that the next phase amendments would bring to WWR in future.</p> <p>Dr Helena WONG enquired about the Administration's timetable for introducing the next phase amendments including the proposed amendments to empower the Water Authority ("WA") to issue guidelines, and whether the relevant standards and requirements set out in L.N. 81 would be incorporated into the guidelines to be issued by WA in future.</p> <p>The Administration replied that –</p> <p>(a) the main purpose of L.N. 81 was to set out in the legislation the latest applicable technical requirements and standards for plumbing materials that had been published on the Water Supplies Department ("WSD") website;</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(b) as the pace of amendments of WWR might not be able to synchronize with the need to update the relevant material standards and requirements arising from rapid technological development, it might be necessary for WA to promulgate any updated standards/requirements through means such as a code of practice and/or Technical Memorandum in future after the enactment of L.N. 81; and</p> <p>(c) the scope of the next phase amendments would be wider than that of the first phase amendments. It was the target of the Administration to develop a proposal for consultation in 2018, before proceeding to the next phase amendments.</p> <p>Discussion on the arrangements and timeframe regarding amendments to L.N. 81 proposed by members.</p>	
001815 – 002324	Dr YIU Chung-yim Administration	<p>Dr YIU Chung-yim enquired whether the Administration would revise relevant requirements so that the soldering materials to be used in any installation for drinking water should be lead-free.</p> <p>The Administration advised that –</p> <p>(a) the proposed amendments under L.N. 81 were introduced in view that the Administration's present arrangement to promulgate the updated standards in the WSD website was not legally satisfactory; and</p> <p>(b) the permissible limit of lead content in "lead-free" soldering materials under the superseded BS 864-2 has been 0.1% since 1987 and it was further changed to 0.07% under the current applicable standards BS EN 1254 (Part 1 & 2) and BS EN ISO 9453.</p>	
002325 – 002950	Chairman Ms Alice MAK Administration	<p>In response to Ms Alice MAK and the Chairman, the Administration advised that it would target to work out the proposal with respect to the next phase amendments by the first half of 2018 for consultation.</p> <p>Ms MAK enquired whether the materials required in the amendments under L.N. 81 were available for sale in the retail market.</p> <p>The Administration replied in the affirmative, and advised that the plumbing material standards set out in Schedule 2 to WWR as amended by L.N. 81 had been promulgated in the WSD website, and were currently used for plumbing works in the industry.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>In response to Ms MAK, the Administration advised that the relevant provisions in L.N. 81 had specified that no person was required to alter or renew a pipe or fitting installed before L.N. 81 came into operation merely because the pipe or fitting did not comply with a requirement introduced by L.N. 81.</p> <p>The Administration's explanation on the powers that might be exercised by WA under section 16(1)(a) of WWO.</p>	
002951 – 004759	Chairman Dr Helena WONG Administration	<p>Dr Helena WONG enquired whether the Administration/WSD had the expertise to develop plumbing material standards to ensure the quality and safety of drinking water, and if not, whether the standards adopted by the Administration would include those developed and implemented in different countries/jurisdictions.</p> <p>The Administration replied that –</p> <p>(a) it was not practicable for the Administration to develop plumbing material standards on its own; and</p> <p>(b) with respect to inside service, the Administration primarily adopted British Standards, and might adopt other international standards if circumstances warranted.</p> <p>In response to Dr WONG and the Chairman, the Administration would provide information on list of the technical/material standards covered in L.N. 81 and their details including the existing standards to be superseded by these technical/material standards, the scope of matters to be regulated by these technical/material standards, etc.</p> <p>Invitation of views from deputations</p>	The Administration to follow up as stated in paragraph 8(a) of the minutes.
004800 – 011134	Chairman Dr Helena WONG Dr YIU Chung-yim Administration	<p>Dr Helena WONG opined that –</p> <p>(a) the Administration should introduce legislation on drinking water safety; and</p> <p>(b) in working out the proposed amendments, the Administration should have accorded priority to safeguarding the safety and quality of drinking water.</p> <p>Dr WONG enquired whether and why L.N. 81 had not included provisions for regulating hot water dispensers.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr YIU Chung-yim enquired whether the Administration would add a new Part to Schedule 2 to WWR or provisions to Part 4 of Schedule 2 to WWR for regulating hot water dispensers.</p> <p><i>The meeting was suspended at 9:47 am, and resumed at 9:53 am.</i></p> <p>The Administration replied that –</p> <ul style="list-style-type: none"> (a) the original purpose of WWR was to regulate fire services and inside services, rather than safeguarding the quality/safety of drinking water; (b) L.N. 81 aimed at setting out in the legislation the latest applicable technical requirements and standards for plumbing materials that had been published on the WSD website; (c) the water heaters referred to in Part 4 of Schedule 2 to WWR as amended by L.N. 81 were those supplying non-drinking water; and (d) there were currently no international standards governing the hot water dispensers, and the Administration had been studying the options to regulate them. The Administration might need to consult the plumbing industry and other relevant stakeholders such as the catering industry on the subject matter, and the consultation might take time. <p>In response to the Chairman, the Administration advised that it would consider working out a proposal to regulate hot water dispensers as part of the next phase amendments.</p>	
011135 – 011713	Chairman Dr Helena WONG Administration ALA6	<p>Discussion on Dr Helena WONG's suggestion that the Administration should make appropriate amendments to Part 4 heading, i.e. Hot Water Inside Services, to reflect the Administration's policy that the provisions in Part 4 of Schedule 2 to WWR as amended by L.N. 81 were not applicable to drinking water supply system such as hot water dispensers.</p> <p>ALA6 advised that she would follow up with the Administration on Dr WONG's suggestion after the meeting.</p>	

Time marker	Speaker	Subject(s)	Action required
011714 – 011912	Dr YIU Chung-yim Administration	Discussion on whether the existing Part 4 of Schedule 2 to WWR covered the requirements on hot water dispensers and whether those under Part 4 of Schedule 2 to WWR as amended by L.N. 81 did not.	
<u>Section-by-section examination of Waterworks (Amendment) Regulation 2017 (L.N 81 of 2017)</u>			
011913 – 012425	Chairman Dr Helena WONG Administration ALA6	<p><i>Section 1 – Commencement</i></p> <p>Discussion on the timeframe for completing the scrutiny of L.N. 81 given that the Amendment Regulation would come into operation on 14 July 2017</p> <p>Legislative timetable and extension of scrutiny period</p> <p>Schedule of subsequent meetings</p>	
012426 – 012610	Administration	<p><i>Section 2 – Waterworks Regulations amended</i></p> <p><i>Section 3 – Regulation 2 amended (interpretation)</i></p> <p><i>Section 4 – Regulation 11 amended (hosepipe not to be connected to an inside service)</i></p> <p>Members raised no queries.</p>	
012611 – 015420	Chairman Dr Helena WONG Dr YIU Chung-yim Administration ALA6	<p><i>Section 5 – Regulation 19 amended (pipes and fittings)</i></p> <p>Dr Helena WONG enquired whether the requirements introduced by L.N. 81 were applicable to pipes/fittings installed before L.N. 81 came into operation if the use of them caused drinking water safety/quality problems.</p> <p>The Administration replied that –</p> <p>(a) the intention of the new section 19A was to ensure that no person would be required to alter or renew a pipe or fitting installed before the specified enactment came into operation merely because the pipe or fitting did not comply with a requirement introduced by the enactment; and</p> <p>(b) under section 16(1) of WWO, WA might by notice require a person to carry out the repairs or other works to a fire service or inside service if he was satisfied that the fire service or inside service was in such a condition that waste or pollution of a supply had occurred or was likely to be caused thereby; the fire service or inside service had been altered without his permission; or the fire service or inside service did not comply with the provisions of WWO.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>In response to Dr YIU Chung-yim, the Administration advised that it was considered not necessary to add the provisions under section 16(1) of WWO to L.N. 81.</p> <p>In response to Dr WONG, ALA6 highlighted the issue raised in her letter to the Administration (LC Paper No. CB(1)1045/16-17(02)) relating to the disparity between the new section 19A of WWR and the current regulation 19(3) of WWR.</p> <p>In response to Dr WONG's enquiry on whether section 16 of WWO had specified that WA should adopt safeguarding the quality and safety of drinking water as the guiding principle in exercising the powers under section 16(1), the Administration advised in the negative.</p> <p>Dr WONG requested the Administration to provide information on types/scope of powers that could be exercised by WA under section 16(1) of WWO, and the considerations in exercising the powers.</p> <p>In response to Dr YIU's enquiry about whether the term "water heater" in section 19(6) of WWR should be revised to "hot water inside service", the Administration advised that as the water heaters referred to in the section might still exist in Hong Kong, the Administration considered that the term "water heater" should be maintained.</p> <p>Dr WONG suggested that the Administration should amend the new section 19A(1) to the effect that for a pipe or fitting that was installed before the specified enactment came into operation and was not in compliance with a requirement introduced by the enactment, no person was required to alter or renew the pipe or fitting if it did not affect the quality of drinking water.</p> <p>The Administration advised that –</p> <p>(a) under section 16(1)(a) of WWO, if WA was satisfied that a fire service or inside service was in such a condition that waste or pollution of a supply had occurred or was likely to be caused thereby, he might require the consumer to carry out the repairs or other works to the fire service or inside service; and</p>	<p>The Administration to follow up as stated in paragraph 8(b) of the minutes</p>

Time marker	Speaker	Subject(s)	Action required
		<p>(b) amending the new section 19A(1) according to Dr WONG's suggestion might impose additional requirements for compliance by members of the public, such as owners of existing buildings where pipes/fittings had been installed before the specified enactment came into operation. The public might have to alter or renew such pipes/fittings once a material standard had been updated in WWR, hence causing burden on them. In considering the suggestion, the Administration might need to conduct a wide consultation.</p> <p><i>The meeting was suspended at 10:22 am, and resumed at 10:31 am.</i></p> <p>Dr WONG opined that –</p> <p>(a) Safeguarding the safety and quality of drinking water should be the prime consideration of the Administration.</p> <p>(b) Causing pollution to a water supply was different from affecting drinking water quality.</p> <p>The Chairman requested the Administration to provide –</p> <p>(a) explanation on whether and how L.N. 81 could regulate the pipes/fittings/plumbing systems installed before L.N. 81 came into operation, so that the use of them would not cause drinking water quality/safety problems; and</p> <p>(b) if the issue in (a) above could not be addressed by the current amendments in L.N. 81, whether the Administration would revise these amendments or add new amendments to address the issue, and if not, how and when the Administration would address it.</p>	<p>The Administration to follow up as stated in paragraph 8(c) and 8(d) of the minutes.</p>
015421 – 015518	Chairman Dr Helena WONG	Meeting arrangement	