

立法會
Legislative Council

LC Paper No. CB(1)58/17-18
(These minutes have been seen
by the Administration)

Ref : CB1/SS/13/16

Subcommittee on Waterworks (Amendment) Regulation 2017

**Minutes of second meeting held on
Tuesday, 20 June 2017, at 8:30 am
in Conference Room 1 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 I
Development Bureau
Mr Vincent MAK
Deputy Secretary (Works) 2
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

Attendance by invitation : Agenda item I

Mr Vincent MA Yuk-ying
Chairman
The Hong Kong Institution of Plumbing and
Drainage Limited

Mr HUNG Chi-kwong
Secretary
Hong Kong Plumbing and Sanitary Ware Trade
Association Ltd

Dr Eric WONG Siu-wing
Chairman
The Chartered Institute of Plumbing and Heating
Engineering – Hong Kong Branch

Mr WONG Ping-fai
Chairman
Plumbing Technology Student Association

Mr WONG Wing-wah
Chairman
Registered Minor Works Contractor Signatory
Association Ltd.

Mr YUNG Chun-tang
Chairman
The Association of Registered Fire Service
Installation Contractors of Hong Kong Limited

Mr LEE Wai-kwok
Chairman
The Association of Construction Materials
Laboratories Limited

Mr TANG Kwong-yiu
Chairman
Hong Kong Licensed Plumbing Professionals
Association Ltd.

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

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Mr Fred PANG
Senior Council Secretary (1)5

Ms Michelle NIEN
Legislative Assistant (1)5

Action

I Meeting with deputations and the Administration

Matters arising from previous meeting

(LC Paper No. CB(1)1151/16-17(01) — List of follow-up actions
arising from the discussion
at the meeting on 6 June
2017

LC Paper No. CB(1)1151/16-17(02) — Administration's responses
to issues raised at the
meeting on 6 June 2017)

Relevant papers

(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)

Presentation of views by deputations

Eight deputations attending the meeting presented their views on the Waterworks (Amendment) Regulation 2017 (L.N. 81) ("the Amendment Regulation"). The Administration provided a consolidated response to the views expressed by the deputations as follows –

- (a) The Amendment Regulation was introduced in view that the Administration's present arrangement to promulgate the updated standards in the Water Supplies Department ("WSD")'s website was not legally satisfactory. It would update the Waterworks Regulation (Cap.102A) ("WWR") on material standards for pipes and fittings that were currently accepted by the Water Authority and used for plumbing works in the industry;
- (b) The Administration would relay the suggestions from deputations on materials and standards to the WSD's Technical Committee on Plumbing for consideration;

- (c) The relevant provision of the Amendment Regulation had provided transitional arrangements without changing the current regime on the control of quality of water supplied through pre-existing pipes and fittings; and
 - (d) The WSD's current performance pledge for replying to an application for plumbing works was 30 calendar days, depending the quality of submission and there might be delay due to the need to obtain further information from the applicant concerned. WSD had implemented measures to address the situation and would continue to review the position.
2. The Subcommittee deliberated (index of proceedings in the **Appendix**).
 3. Mr SHIU Ka-fai declared that he was a supplier of construction materials.
 4. At 10:19 am, the Chairman extended the meeting for 15 minutes until 10:45 am to allow more time for discussion of the Amendment Regulation.
 5. During the deliberations of the Subcommittee, the Chairman suspended the meeting at 10:21 am, and the meeting was resumed at 10:23 am.

Follow-up actions to be taken by the Administration

6. The Administration was requested to provide the following information:
 - (a) detailed written response to the views expressed by deputations at the meeting, as well as the questions and concerns raised in their written submissions; and
 - (b) the number of applications for acceptance letters (so-called "水紙") from WSD received by the department since July 2016, and the statistics on the time taken by the department to process/approve the applications.

(Post-meeting note: The Administration's supplementary information was issued to members vide LC Paper No. CB(1)1193/16-17(02) on 26 June 2017.)

Date of next meeting

7. The Chairman reminded members that the next meeting would be held on Tuesday, 27 June 2017 at 2:30 pm.

(Post-meeting note: On the advice of the Chairman, the meeting on Tuesday, 27 June 2017 had been rescheduled to be held from 9:00 am to 12:30 pm on the same day to allow sufficient time for discussion of the Amendment Regulation. The notice and agenda of the meeting were issued to members vide LC Paper No. CB(1)1177/16-17 on 20 June 2017.)

II Any other business

8. There being no other business, the meeting ended at 10:45 am.

Council Business Division 1
Legislative Council Secretariat
16 October 2017

**Proceedings of second meeting of the
Subcommittee on Waterworks (Amendment) Regulation 2017
on Tuesday, 20 June 2017, at 8:30 am
in Conference Room 1 of the Legislative Council Complex**

Time marker	Speaker	Subject(s)	Action required
Agenda item I – Meeting with deputations and the Administration			
000734 – 000944	Chairman	Opening remarks	
000945 – 001230	The Hong Kong Institution of Plumbing and Drainage Limited	Presentation of views	
001231 – 001359	Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.	Presentation of views [LC Paper No. CB(1)1151/16-17(03)]	
001400 – 001726	The Chartered Institute of Plumbing and Heating Engineering – Hong Kong Branch	Presentation of views	
001727– 002017	Plumbing Technology Student Association	Presentation of views	
002018 – 002316	Registered Minor Works Contractor Signatory Association Ltd.	Presentation of views [LC Paper No. CB(1)1151/16-17(04)]	
002317 – 002635	The Association of Registered Fire Service Installation Contractors of Hong Kong Limited	Presentation of views [LC Paper No. CB(1)1151/16-17(05)]	

Time marker	Speaker	Subject(s)	Action required
002636 – 002726	The Association of Construction Materials Laboratories Limited	Presentation of views [LC Paper No. CB(1)1151/16-17(06)]	
002727 – 002943	Hong Kong Licensed Plumbing Professionals Association Ltd.	Presentation of views	
002944 – 003536	Administration	Consolidated response to deputations' views	
003537 – 004229	<p>Dr Helena WONG</p> <p>Registered Minor Works Contractor Signatory Association Ltd.</p> <p>Hong Kong Licensed Plumbing Professionals Association Ltd.</p> <p>Administration</p>	<p>In response to Dr Helena WONG, Registered Minor Works Contractor Signatory Association Ltd. expressed views about extending regulatory control to plumbing material suppliers, and Hong Kong Licensed Plumbing Professionals Association Ltd. expressed views on the time taken by the Water Supplies Department ("WSD") to process/approve applications for plumbing works.</p> <p>Dr Helena WONG opined that the Administration should delineate clearly the responsibilities of relevant parties to a plumbing project including suppliers and contractors.</p> <p>In response to Dr Helena WONG's enquiry on whether WSD failed to process/approve applications for plumbing works within the timeframe of its performance pledge due to staffing constraint, the Administration advised that longer time might be required in cases where clarification or supplementary information from the applicant was required or the applicant was required to supply missing information.</p> <p>Dr Helena WONG requested the Administration to provide information on the number of applications for acceptance letters (so-called "水紙") from WSD received by the department since July 2016, and the statistics on the time taken by the department to process/approve the applications.</p>	<p>The Administration to follow up as stated in paragraph 6(b) of the minutes.</p>

Time marker	Speaker	Subject(s)	Action required
004230 – 004937	Mr SHIU Ka-fai Hong Kong Licensed Plumbing Professionals Association Ltd.	In response to Mr SHIU Ka-fai, Hong Kong Licensed Plumbing Professionals Association Ltd. expressed views on the difference in the information required to be provided in applications for plumbing works and the time taken for WSD to process/approve such applications before and after the "excess lead in drinking water" incident.	
004938 – 005555	Dr YIU Chung-yim Administration	<p>In response to Dr YIU Chung-yim's enquiry about the definition of the expression "the quality of the water" in regulation 20(2)(b) of Waterworks Regulations (Cap. 102A) ("WWR"), the Administration advised that the Waterworks (Amendment) Regulation 2017 (L.N. 81) did not provide for a definition of the expression.</p> <p>Dr YIU Chung-yim enquired –</p> <p>(a) how the Water Authority ("WA") would consider and decide whether a departure from a prescribed specification for a pipe or fitting would adversely affect the quality of the water if the definition of the expression was not provided for in the legislation; and</p> <p>(b) whether more applications for a departure from a prescribed specification for a pipe or fitting would be rejected under regulation 20(2)(b) of WWR.</p> <p>The Administration replied that –</p> <p>(a) "the quality of the water" would be construed according to its literal meaning; and</p> <p>(b) the WSD's Technical Committee on Plumbing would keep considering suggestions from the industry on plumbing materials, and make recommendations to the Director of Water Supplies on whether the materials could be used in local plumbing works.</p> <p>In response to Dr YIU Chung-yim's enquiry about whether the Administration would propose to add a definition on "good water quality" to relevant legislation in future, the Administration advised that consideration was being given to the matter mentioned by Dr YIU as appropriate.</p>	

Time marker	Speaker	Subject(s)	Action required
005556 – 005816	Chairman Administration	<p>The Chairman enquired whether for pre-existing plumbing system, the person concerned who wished to repair part of the system, such as replacing leaking pipes, after L.N. 81 came into operation, had to renew the entire plumbing system in order to comply with the requirements introduced by L.N. 81.</p> <p>The Administration replied that –</p> <p>(a) section 14(3) of the Waterworks Ordinance (Cap. 102) ("WWO") specified that the construction or installation of a fire service or inside service should be carried out in such manner as prescribed; and</p> <p>(b) replacement of pipes with leakage problems was regarded as a repair and maintenance work which would not require the renewal of the entire plumbing system up to the standard proposed in L.N.81.</p>	
005817 – 010034	Chairman Administration	<p>In response to the Chairman, the Administration advised that it would consider the Association of Registered Fire Service Installation Contractors of Hong Kong Limited's suggestion in its submission (LC Paper No. CB(1)1151/16-17(05)) on adding a new Part to WWR when working out a proposal for the next phase amendments.</p>	
010035 – 011034	Dr Helena WONG The Association of Construction Materials Laboratories Limited Administration	<p>The Association of Construction Materials Laboratories Limited responded to Dr Helena WONG's enquiry on the number of accredited laboratories which could provide physical, chemical, and/or bacteriological testing services for plumbing materials/components.</p> <p>In response to Dr Helena WONG's concern whether the implementation of WWR after L.N. 81 came into operation would be affected by the limited supply of qualified laboratories in Hong Kong, the Administration advised that –</p> <p>(a) there were about 10 accredited laboratories in Hong Kong which were acceptable to WA for conducting physical, chemical, and/or bacteriological tests on plumbing materials/components;</p> <p>(b) the local laboratories might outsource some of the tests to overseas laboratories if necessary; and</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>(c) the Administration would take into account the scope of testing services that could be provided by local laboratories when considering whether to introduce new plumbing materials for use in Hong Kong.</p>	
011035 – 011330	<p>Mr SHIU Ka-fai Administration</p>	<p>In response to Mr SHIU Ka-fai, the Administration advised that before the "excess lead in drinking water" incident, there were no requirements that applicants for approval of plumbing works had to provide information on soldering materials to be used in the works.</p> <p>In response to Mr SHIU Ka-fai's enquiry on how the Administration would address the situation that a much longer time was required for WSD to process applications for approval of plumbing works, the Administration advised that WSD would continue to study ways to streamline the approval process, and would seek the views of the industry on the matter.</p> <p>Mr SHIU Ka-fai opined that –</p> <p>(a) increase in the time taken for WSD to process the applications would increase the cost to be borne by the industry; and</p> <p>(b) WSD should increase manpower to speed up the processing of applications so as to meet the relevant performance pledge.</p>	
011331 – 011607	<p>Mr SHIU Ka-fai Hong Kong Plumbing and Sanitary Ware Trade Association Ltd. Administration</p>	<p>Mr SHIU Ka-fai enquired about the Administration's position regarding the Hong Kong Plumbing and Sanitary Ware Trade Association Ltd.'s views in its submission (LC Paper No. CB(1)1151/16-17(03)) that the static pressure for draw-off taps should be 1 000 kPa instead of 1 600 kPa proposed by the Administration under the Part 2 of Schedule 2 to WWR as amended by L.N. 81.</p> <p>Hong Kong Plumbing and Sanitary Ware Trade Association Ltd. expressed further views on the issue mentioned by Mr SHIU.</p> <p>The Administration advised that –</p> <p>(a) the proposed 1 600 kPa set out in the relevant provision referred to the testing pressure, but not the static pressure for draw-off taps; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(b) the Administration would consider amending L.N. 81, such as by deleting the relevant part, so as to avoid misunderstanding.	
011608 – 011925	<p>Dr YIU Chung-yim</p> <p>The Association of Registered Fire Service Installation Contractors of Hong Kong Limited</p> <p>Administration</p> <p>Assistant Legal Advisor 6 ("ALA6")</p>	<p>In response to Dr YIU Chung-yim's enquiry about the impact of regulation 20(2) of WWR on the industry, the Association of Registered Fire Service Installation Contractors of Hong Kong Limited expressed views on the WSD's practice of considering applications for use of pipes and fittings in relation to fire services system installation on a case-by-case basis, and highlighted its suggestion to add a new Part to WWR setting out the requirements on pipes, fittings and equipment used in fire services system installation for the industry to follow.</p> <p>The Administration responded that it would consider the views and suggestions of the Association of Registered Fire Service Installation Contractors of Hong Kong Limited when working out the proposal for next phase amendments.</p> <p>With respect to the issue raised by Dr YIU, ALA6 advised that regulation 25(2) of WWR provided that WA might approve the installation of a pipe or fitting that did not comply with the prescribed specifications. That regulation could be discussed in detail later when the Subcommittee examined the detailed provisions of L.N.81.</p>	
011926 – 012814	<p>The Chartered Institute of Plumbing and Heating Engineering – Hong Kong Branch</p> <p>Plumbing Technology Student Association</p> <p>Registered Minor Works Contractor Signatory Association Ltd.</p>	<p>In response to The Chartered Institute of Plumbing and Heating Engineering – Hong Kong Branch, the Administration advised that –</p> <p>(a) there were presently no international standards governing water tanks made of stainless steel; and</p> <p>(b) applications for permission to install such water tanks would be considered by WA on a case-by-case basis.</p> <p>Plumbing Technology Student Association expressed views on the effectiveness of WSD in dealing with applications for plumbing works requiring permission of WA on a case-by-case basis, and the difference in the procedures and time taken for preparing and obtaining approval of applications for meters before and after the "excess lead in drinking water" incident.</p>	

Time marker	Speaker	Subject(s)	Action required
	Administration	Registered Minor Works Contractor Signatory Association Ltd. opined that it was important for WSD to meet the performance pledge of processing applications for meters.	
012815 – 014350	Dr Helena WONG Administration	<p>Dr Helena WONG enquired about the mechanism to ensure that the plumbing components procured and delivered to sites for installation were those reported in the applications for WSD's approvals.</p> <p>The Administration replied that –</p> <ul style="list-style-type: none"> (a) it was the existing practice of WSD to inspect the on-going plumbing works on sites, and upon its completion; (b) developers might voluntarily arrange testing on plumbing materials/components used in their projects; and (c) a laboratory to be set up by WSD would conduct random testing of materials/components used in plumbing works. <p>In response to Dr Helena WONG's enquiry on whether WWO and WWR were applicable to government-commissioned projects, the Administration advised in the affirmative.</p> <p>In response to Dr Helena WONG's enquiry on whether as far as the plumbing works undertaken by the Administration were concerned, the relevant legislation required the Administration to arrange inspection of the plumbing materials/components at factories by an independent inspection body ("IIB") to confirm the quality of the materials/components before shipment, the Administration advised that –</p> <ul style="list-style-type: none"> (a) there was no such requirement in the legislation; and (b) in practice, for public works projects involving government water mains, the relevant contracts included terms and conditions requiring the contractors concerned to arrange inspection of the plumbing materials/components by IIB. 	

Time marker	Speaker	Subject(s)	Action required
		<p>Dr Helena WONG opined that –</p> <ul style="list-style-type: none"> (a) there should be legislative requirements that the plumbing materials/components used in the drinking water supply systems from source to taps should be inspected by IIBs; and (b) the Administration should extend regulatory control to suppliers and importers of plumbing materials/components, and require them to arrange inspection of the materials/components at factories by IIBs. <p>The Administration replied that –</p> <ul style="list-style-type: none"> (a) WSD all along conducted water sampling tests as part of the inspection and acceptance procedures for new plumbing works in order to safeguard drinking water safety; (b) the water sampling test requirements had been enhanced after the "excess lead in drinking water" incident; and (c) the Administration would review the roles, involvements and responsibilities of parties relevant to a plumbing project including developers, contractors, and suppliers of plumbing materials/components when working out the proposal for next phase amendments. 	
014351 – 015228	Mr SHIU Ka-fai Dr Helena WONG	<p>Mr SHIU Ka-fai declared that he was a supplier of construction materials.</p> <p>Mr SHIU Ka-fai opined that –</p> <ul style="list-style-type: none"> (a) the water pipes supplied by the local suppliers all along followed international standards strictly; (b) the Administration should take into account the cost borne by the society for strengthening regulatory control on plumbing materials/components; and (c) water pipes and water tanks were components that might affect drinking water quality. <p>Discussion on the causes of excess lead found in drinking water in public rental housing developments</p>	

Time marker	Speaker	Subject(s)	Action required
015229 – 015255	Chairman	<p>Expressed thanks to deputations</p> <p>The Chairman requested the Administration to provide detailed written response to the views expressed by deputations at the meeting, as well as the questions and concerns raised in their written submissions.</p>	<p>The Administration to follow up as stated in paragraph 6(a) of the minutes.</p>
015256 – 015735	<p>Chairman</p> <p>All members present</p>	<p>Discussion on the progress and timeframe for completing the scrutiny of L.N.81</p> <p>Extension of the meeting by 15 minutes</p> <p>The meeting suspended at 10:21 am and resumed at 10:23 am.</p>	
015736 – 020436	<p>Dr Helena WONG</p> <p>Administration</p> <p>ALA6</p>	<p>Briefing by the Administration on LC Paper No. CB(1)1151/16-17(02)</p> <p>ALA6 referred to the issues raised at the meeting on 6 June 2017 in relation to Part 4 of Schedule 2 to WWR as amended by L.N. 81 and advised that –</p> <p>(a) WWR did not provide for a definition of "water heater"; and</p> <p>(b) the issue in question was what types of appliances or products were covered by the term "water heater" and such issue was not a legal issue, and members might consider to invite the Administration to explain the relevant provisions of the amended Part 4 of Schedule 2 to WWR further, including the relevant prescribed specifications, regarding the term "water heater".</p> <p>The Administration responded that the Subcommittee might further discuss the issue highlighted by ALA6 when examining the relevant provisions.</p> <p>Dr Helena WONG opined that –</p> <p>(a) the Administration should make clear in the legislation that "water heater" referred to in Part 4 of Schedule 2 to WWR as amended by L.N. 81 was used for supplying non-drinking water; and</p>	

Time marker	Speaker	Subject(s)	Action required
		(b) the Administration should add a new provision to L.N. 81 or WWR setting out the requirements and standards on hot water dispensers connecting to drinking water mains.	
020437 – 021609	Dr Helena WONG Administration	<p>Dr Helena WONG enquired about the regulatory control on water tanks.</p> <p>The Administration advised that –</p> <p>(a) water tanks used in Hong Kong were mainly made of concrete, and there were prescribed specifications on them under separate regulatory regime; and</p> <p>(b) only a few water tanks in Hong Kong were made of stainless steel or fibre glass, and applications for permission to install these water tanks would be considered by WA on a case-by-case basis.</p> <p>Dr Helena WONG asked about the information required to be provided by applicants for permission to install water tanks made of stainless steel or fibre glass, and how WA would consider the applications based on the information.</p> <p>The Administration advised that when considering the applications, apart from the physical design of the water tanks such as size, strength, etc., WA would make reference to related testing requirements for non-metallic products, and stainless steel pipes and fittings respectively.</p> <p>Dr Helena WONG opined that –</p> <p>(a) the Administration should regulate the quality of drinking water from source to taps, including water tanks and water pumps;</p> <p>(b) the Administration should consider including BS 6920 and AS 3688 in the legislation as the standards on water tanks for the industry to follow; and</p> <p>(c) the Administration and the WSD's Technical Committee should keep reviewing studies on the drinking water standards of leading jurisdictions, such as the recent report issued by the European Union in March 2017 regarding standards and testing methods for plumbing materials/components, with a view to enhancing the regulatory framework in Hong Kong.</p>	

Time marker	Speaker	Subject(s)	Action required
		<p>The Administration advised that –</p> <p>(a) the material standards currently stipulated in WWR mainly follow the British Standards, and there were no British or international standards on water tanks;</p> <p>(b) in considering the applications for permission to install water tanks as part of the inside services, WA would make reference to standards related to similar materials/components; and</p> <p>(c) the Administration had all along kept abreast of the plumbing material standards of various organizations, including the European Union, and the practices adopted in overseas regulatory systems.</p>	
021610 – 021817	<p>Chairman</p> <p>All members present</p>	<p>Next meeting</p> <p>Discussion on timeframe regarding amendments to L.N. 81 proposed by the Subcommittee/members</p>	
021818 – 021924	Mr SHIU Ka-fai	<p>Mr SHIU Ka-fai referred to the Administration's press release about the final report of the Task Force on Investigation of Excessive Lead Content in Drinking Water, and highlighted the findings of the report about the taps involved in the "excess lead in drinking water" incident.</p>	
Agenda item II – Any other business			
021925 – 021946	Chairman	Closing remarks	