

Waterworks (Amendment) Bill 2017
Debate and voting arrangements

Object of the Bill : To amend the Waterworks Ordinance (Cap. 102) (“Ordinance”) and the Waterworks Regulations (Cap. 102A) (“Regulations”) to revise the requirements relating to the carrying out of works on fire services and inside services.

First debate	: Clauses with no amendment	– Clauses 2 to 5, 11, 13, 15, 16 and 17
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Voting	: To vote on the above clauses standing part of the Bill
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Second debate	: Clauses with amendments proposed by Secretary for Development (“SDEV”)	– Clauses 1, 6 to 10, 12 and 14
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Joint debate on the original clauses and the amendments thereto.

Debate theme: Amendments to the above clauses on various matters

Clause 1

- To delete clause 1(2) on the commencement date of the Bill, and make a corresponding amendment to the heading.

Clause 6

- To add subsection (3A) to clause 6 of the Bill to amend section 14(3) of the Ordinance to stipulate that the construction or installation of, or alteration to, a fire service or inside service must be carried out in the prescribed way and the pipes and fittings used in the construction, installation or alteration must be of the prescribed nature, size and quality; and
- to amend the proposed section 14(4) in clause 6(4) of the Bill to stipulate that specified plumbers and relevant persons commit an offence if section 14(3) is contravened, and make corresponding amendments to the proposed sections 14(5)(a) and (b)(i) and 14(6).

Clause 7

- To amend section 15(2) of the Ordinance in clause 7(3) of the Bill to stipulate that a person who is not a designated person may carry out specified plumbing works falling within the section, and make corresponding amendments to the proposed section 15(6) in clause 7(4) of the Bill by adding the definitions of “**construction site**” and “**construction work**”; and
- to amend the proposed section 15(4) in clause 7(4) of the Bill to stipulate that any person who employs or permits a person who is not a designated person to carry out specified plumbing works that do not fall within section 15(2) commits an offence.

Clause 8

- To amend clause 8 of the Bill by adding section 15AA to the Ordinance to specify the circumstances under which alterations or repairs to a fire service or inside service are not considered as of minor nature;
- to amend the proposed section 15A(2)(a) to allow an authorized officer to make video recordings after entering any non-domestic premises referred to in the proposed new section 15A(1)(a) for ascertaining whether specified plumbing works are being, or have been, carried out on the premises in contravention of the proposed section 15 of the Ordinance; and
- to add subsection (6A) to the proposed section 15A to clarify the policy intent of the defence stated in section 15A(5). Under the proposed section 15A(6A), a person is not excused from complying with a requirement under section 15A(2) only on the ground that to do so might tend to incriminate the person.

Clause 9

- To amend the proposed section 18A in clause 9 of the Bill to clarify that the section only applies to the statutory defence under Part III of the Ordinance.

Clause 10

- To add subsection (1A) to the proposed section 36A and make corresponding amendments to the proposed section 36A(1) in clause 10 of the Bill to provide that no prosecution may be commenced if the contravention is discovered by, or comes to the notice of, the Water Authority after 6 years after the date of application for inspection and approval of the fire service or inside service or relevant alteration, or after 6 years after the date of the contravention.

Clause 12

- To add “, **or alteration to,**” after “**installation of**” in the proposed section 40(3) in clause 12 of the Bill; and
- to amend section 1 of and add section 3 to Part 1, and amend section 1 of and add section 3 to Part 2, in the proposed Schedule in clause 12 of the Bill to set out the persons who are registered plumbing workers and registered plumbing workers (provisional) under the Construction Workers Registration Ordinance (Cap. 583) for the installation of a meter.

Clause 14

- To make textual amendments in the English text of the proposed section 6(2) of the Regulations in clause 14(2) of the Bill.

Voting : To vote on the above amendments together, and then vote on the original clauses or the clauses as amended standing part of the Bill

SDEV's amendments

(set out in LC Paper No. CB(3) 336/17-18 issued on 31 January 2018)

Council Business Division 3
Legislative Council Secretariat
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