

**Forty-fourth Meeting of
the Business Facilitation Advisory Committee**

***Agenda Item 2: Public Consultation on Proposed Amendments to
Waterworks Ordinance***

Purpose

This paper briefs Members on the proposed amendments to Waterworks Ordinance.

Background

2. The provision and regulation of water supply in Hong Kong are governed by the Waterworks Ordinance (Cap. 102) (“WVO”) and the Waterworks Regulations (Cap. 102A) (“WVR”). There are two prime objectives of the WVO, viz. achieving drinking water safety and water use efficiency. To this end, the Water Authority (“WA”) is empowered under the WVO and WVR to, amongst others, conserve water; maintain and manage public water supply facilities; regulate the construction and maintenance of internal plumbing systems, etc so as to ensure the provision of a reliable, adequate and wholesome water supply.

3. Since the enactment of the WVO and WVR in 1974, the WA had conducted regular review and made amendments. Regulation would also be introduced through administrative means where necessary. In view of much development and changes in the plumbing trade over the past 40 years, the Development Bureau (“DEVB”) and the Water Supplies Department (“WSD”) consider that a holistic review of the existing legislation based on the above prime objectives is necessary to bring the regulatory frameworks up to date in order to cope with the latest development and changes in the plumbing trade.

4. After review, we propose a series of legislative amendment proposals. This paper briefs the following proposals which relate to the business operation:

- (a) Regulation of plumbing works
- (b) Control of plumbing materials, drinking water dispensers and fountains
- (c) Water Efficiency Labelling Scheme
- (d) Maintenance and rectification of water loss in communal part of internal plumbing system

(a) Regulation of plumbing works

(i) To prescribe the responsibility of the project proponent

5. Project proponents, e.g. private developers, have the power to control by whom and how the plumbing works are to be carried out. To uphold the quality of the plumbing works, we propose the project proponent shall ensure that the plumbing works are carried out by a qualified plumbing contractor. Any project proponent who contravenes the above provisions commits an offence.

(ii) To introduce a system of registered plumbing contractor (“RPC”)

6. Under the current regulatory framework, the licensed plumber (“LP”) who applies for written permission from the WA and designated person (“DP”) (e.g. registered plumbing worker) who personally carries out the plumbing works shall bear the responsibility of ensuring the compliance of the plumbing works with the statutory requirements. However, they may not have direct control over the procurement of plumbing materials and how the plumbing works are to be carried out. Their statutory duties are disproportionate to their personal capacities, especially in carrying out large-scale plumbing works. With reference to other regulatory frameworks for building works and building services works, we propose to establish a system of RPC and only RPC is allowed to carry out the plumbing works. DP and plumbing contractor not registered shall carry out plumbing works under the supervision of a RPC. Any person contravening the above commits an offence.

7. Under the proposed system, plumbing contractor shall appoint two key personnel, namely authorized representative (“AR”) and designated director (“DD”), in order to be registered as RPC. AR shall act on behalf of the RPC to manage the projects. He shall be familiar with the plumbing works and the requirements of the WA, WWO and WWR and shall also represent the RPC to communicate with the WA. As such, we propose that AR shall be in possession of a Grade I LP qualification. On the other hand, DD shall be able to make decisions for the RPC and has access to its resources, including financial support and manpower for the execution of the plumbing works. We propose that DD shall possess relevant knowledge and experience in plumbing industry. A person who has been appointed as the AR or DD for an RPC cannot act as AR or DD for another RPC at the same time.

8. We propose that a RPC’s registration shall be valid for a period of 3 years. Upon expiry, the RPC may apply for renewal of their registration.

(iii) Mandatory continuous training for LPs

9. There has been progressive advance in the materials and technology in plumbing industry and updating of relevant standards for pipes and fittings over the years. In view of this situation, we launched a voluntary Continuing Professional Development Scheme for LPs in 2016 to upkeep themselves with the latest plumbing knowledge and practice. To continue to uphold the technical capability of LPs, we

recommend mandating continuous training for LPs as one of their licence renewal requirements.

(iv) To establish site supervision team for large-scale plumbing works

10. In carrying out the large-scale plumbing works, (in general, a development project involving construction of internal plumbing system for more than 400 units is regarded as large-scale plumbing works), RPC is required to provide an in-house site supervision team to provide continuous management and supervision for the works. The scale of the plumbing works will determine the size of the site supervision team. RPC shall appoint an AR who possesses knowledge on project management and coordination skills to lead the site supervision team and exercise overall control of the plumbing works. We recommend that the AR for large-scale plumbing works shall have higher diploma qualification in relevant field and experience in supervising plumbing works projects in addition to the qualification of a Grade I LP.

(b) Control of plumbing materials, drinking water dispensers and fountains (“DWDF”)

(i) To introduce relevant testing requirements of AS/NZS 4020 for plumbing materials

11. Currently, the standards prescribed in the WWR for the plumbing materials specify the chemical composition of the metallic components to ensure no adverse effect on the drinking water quality through metal leaching from the plumbing materials. In order to have a more direct assessment of the leachability of metals from plumbing materials and their effect on drinking water quality, we propose introducing the relevant testing requirements benchmarked against the joint Australian/New Zealand standard AS/NZS 4020 to the plumbing materials that can be used in the part of an internal plumbing system for supplying water for drinking purpose (e.g. copper pipes, water pumps and mixers, etc.).

(ii) Control of DWDF

12. There is currently no standards or requirements on DWDF specified in the WWO or WWR, or in any other ordinances or regulations in Hong Kong. We propose that DWDF connected directly to an internal plumbing system shall comply with a metal leaching requirement benchmarked against recognized standards or specifications. In addition, we propose to include DWDF in the General Acceptance (GA) system.¹

¹ Under the GA system, if a person (usually the plumbing material supplier) can demonstrate to the WA’s satisfaction that a plumbing material has been tested compliant with the relevant technical requirements, the WA will issue a GA letter indicating the suitable usage(s) of the plumbing material in an internal plumbing system.

(c) Water Efficiency Labelling Scheme (“WELS”)

Migrating the scheme to mandatory implementation

13. To promote water conservation, the WSD has launched in phases a WELS for six types of plumbing fixtures and water-consuming devices² since 2009 to help consumers choose water efficient products. We propose migrating the WELS from voluntary participation to mandatory implementation. Making reference to the approach to drive the use of the water efficient products in other jurisdictions such as China, Singapore, Australia and Taiwan, we propose that sale of products of the prescribed WELS Types not registered under the mandatory WELS in Hong Kong or unauthorized use of WELS label will be an offence. As for the sale of a product of the prescribed WELS Types registered under the mandatory WELS in the retail outlets but without affixing a WELS label or affixing a non-compliant WELS label, it will also be an offence. To allow adequate time for the suppliers to have their products registered under the scheme, a transitional period of 2 years is proposed after enactment of the WWO provisions for the mandatory implementation of the WELS.

(d) Maintenance and rectification of water loss in communal part of internal plumbing system

(i) To clearly define the maintenance responsibility for the communal service

14. Under the current WWO, the maintenance responsibility of the communal service is undertaken by a person or company registered with the WA as Registered Agent (“RA”). The WA has practical difficulties in implementing the enforcement measures for the water loss in communal service under the current WWO. It results in the situation that many communal services are not properly maintained causing serious water loss. To make sure that there will always be a party responsible for the maintenance of the communal service, we propose amending the WWO to the effect that if there is no RA or if in the opinion of the WA the RA cannot perform the maintenance duties, while the RA (if present) shall continue to be responsible for the maintenance of the communal service, the maintenance responsibility of the communal service shall be taken up by the incorporated owners (“IO”) or the deed of mutual covenant (“DMC”) manager or, if there is no IO or DMC manager, all the property owners of the development.

(ii) To introduce communal water loss charge for water loss in the communal service

15. In order to encourage early rectification of water loss in communal service, we propose imposing a communal water loss charge for the water loss through communal service. The WSD will use the master meters to monitor communal water loss in developments. In case the communal water loss exceeds an appropriate water loss level that each development should achieve, the WA may issue a notice requiring

² Viz. showers for bathing, water taps, washing machines, urinal equipment, flow controllers and water closets

the party responsible for maintenance of the communal service to carry out investigation and repair. A fixed grace period shall be allowed for the responsible party to carry out investigation and rectification works before imposition of the water loss charge and extension may be considered for special circumstances where there are difficulties beyond the control of the responsible party. Communal water loss charge will be imposed when the water loss assessed by the WA still exceeds the limit upon expiry of the grace period. The party responsible for the maintenance of the communal service will be liable for the payment of the communal water loss charge.

(iii) Investigation of cause of water loss in communal service and penalty for non-compliance with repair notice

16. It will be difficult and not appropriate for the WA to enter into private lands to carry out extensive investigation of water loss in communal service which may take considerable time and cause significant disturbance to private properties. We propose empowering the WA to issue a notice to require the party who is responsible for the maintenance of the communal service to carry out investigation and necessary rectification works to resolve the water loss problem of underground/concealed communal service. Also, we propose making it an offence for any person who, without reasonable excuse, fails to comply with a repair notice served on him.

Public consultation

17. The WSD launched a three-month public consultation on the above proposals and published the “Consultation Paper on Proposed Amendments to Waterworks Ordinance (Cap. 102)”³ on 6 November 2020. The public consultation period will end on 3 February 2021.

18. We will consolidate and study the views received during the consultation period to refine the details of the proposed legislative amendments. Depending on the outcome of the public consultation, we aim at introducing the amendment bill of the WWO to the Legislative Council in the 2022-23 legislative session.

Advice sought

19. Members are invited to comment on the proposed amendments to the WWO set out in this paper.

**Water Supplies Department
January 2021**

³ The Consultation Paper can be downloaded from WSD’s homepage (<https://www.wsd.gov.hk/en/pconsultation/LegislativeReview.html>)