

By post and email at LR_consultation@wsd.gov.hk

1 February 2021

Legislative Review Unit
Water Supplies Department
46/F, Immigration Tower
7 Gloucester Road, Wan Chai
Hong Kong

Dear Sir/ Madam

Consultation on Proposed Amendments to Waterworks Ordinance (Cap. 102)

Regarding the Consultation on Proposed Amendments to Waterworks Ordinance (Cap. 102), the Institution is pleased to provide herewith our views and suggestions with the Response Form for your consideration.

Thank you for your attention.

Yours sincerely



Ir C K HON
Chief Executive and Secretary

Enc

CKH/SW

Enclosure

Views from the Hong Kong Institution of Engineers on Consultation on Proposed Amendments to Waterworks Ordinance (Cap. 102)

The Hong Kong Institution of Engineers (“HKIE”) supports in principle the proposed amendments to Waterworks Ordinance (Cap. 102). Hence, the HKIE would like to put forth our suggestions in the ensuing paragraphs for the Administration’s consideration.

REGULATION ON MINOR PLUMBING WORKS

2. The HKIE notes that there is no statutory provision for the qualification of personnel who carry out minor plumbing works, including maintenance and alteration works in individual premises and communal area. The Administration is suggested to intensify the regulation effort on minor plumbing works in order to ensure those works posing a higher risk to drinking water safety will be performed by qualified personnel who, yet may need not receive Water Authority (“WA”) endorsement nor the qualification of a Registered Plumbing Contractor.

MAINTENANCE RESPONSIBILITY OF THE COMMUNAL SERVICE

3. Referring to Section 7.1, Point 69 of the Consultation Paper about imposing the maintenance responsibility of the communal service to the deed of mutual covenant (“DMC”) manager. The HKIE agrees that there should always be a party responsible for the maintenance of the communal service. However, we express our reservations on the effectiveness of imposing the maintenance responsibility of the communal service to the DMC manager because of the fact that if the owners, who are the source of funding for the maintenance works, are not supportive if not uncooperative, the DMC manager who is responsible for the management of the common areas and facilities, cannot perform effectively on the maintenance works.

4. As such, the attitude of owners towards the maintenance works should be the most critical contributing factor and holding DMC managers responsible appears to have no significant positive effect on the issue regarding the maintenance of the communal service. In fact, holding DMC managers liable for communal service maintenance, in other words, involving more parties in the maintenance process, may result in the unnecessary elongation of the enforcement process due to the fact that each responsible party may require suitable time to take actions in turns. In the worst scenario that owners are being uncooperative towards the communal service maintenance, the involvement of excess party in the process will serve as excuses for not taking meaningful actions by manipulating the lengthy liaison between parties. In addition, the DMC, with a legislatively uncertain nature, merely defines the rights, interests and obligations of owners and susceptible to change according to the types of property; and time and effort will be spent on reviewing the DMC to verify the roles and responsibilities of the DMC manager for each individual case. Therefore, the HKIE suggests that the legislative should reconsider to hold DMC managers responsible for communal service maintenance and the responsibility should be directed to the responsible party instead of some intermediates, namely DMC managers.

INTRODUCTION OF FINANCIAL DISINCENTIVE FOR TACKLING WATER LOSS IN COMMUNAL SERVICE AND RC'S REFUSAL TO CONVERT TO SALT WATER FLUSHING

5. Regarding Section 7.2 and 8.3 mentioning of the Water Supplies Department's intention to tackle water loss in communal service and Registered Consumer's ("RC") refusal to convert to salt water flushing by introducing financial disincentive, viz. communal water loss charge and charging the fresh water for flushing at a higher rate. The HKIE fully recognises the importance of fresh water conservation and reducing water loss and conversion to salt water for flushing can inevitably contribute to water conservation. Yet, Hong Kong as one of the cities with the lowest water tariff in the world, the economic disincentive could not be effective as there is insufficient deterrent against the benefit of unlawfully gained water for usage. As such, the HKIE proposes that the economic disincentives should be made comparable to the cost of administrative actions, i.e. rectifying water loss or convert to salt water for flushing and the Administration is recommended taking more direct enforcement actions for tackling water loss in communal service and RC's refusal to convert to salt water flushing.

APPENDIX A – RESPONSE FORM FOR CONSULTATION

Please send this Response Form to us **on or before 3 February 2021** by one of these means:

Mail: Legislative Review Unit,
 Water Supplies Department
 46/F, Immigration Tower,
 7 Gloucester Road,
 Wan Chai, Hong Kong

E-mail: LR_consultation@wsd.gov.hk

Facsimile: (+852) 2520 3256

This is a

- corporate response (representing the views of a group or an organization).
- individual response (representing the views of an individual).

Name / Name of organisation (optional): The Hong Kong Institution of Engineers

general public trade practitioner

CONSULTATION QUESTIONS

Chapter 2 – Regulation of Plumbing Works

Question 1

Do you agree to maintain the current regulatory framework that minor plumbing works can be carried out by any persons? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 2

Do you agree that the project proponent should be required to ensure that the prescribed plumbing works are carried out by a qualified plumbing contractor? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 3

Do you agree that the penalty proposed for the project proponent contravening the relevant provisions in engaging qualified plumbing contractor to carry out the prescribed plumbing works should be set to a maximum fine at level 6 (\$100,000)? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 4

Do you agree not to regulate the Designer for prescribed plumbing works? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 5

Do you agree that a person holding a Grade I LP qualification is sufficient to take up the role of an AR of RPC to manage the plumbing works? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 6

Do you agree to include mandatory continuous training for LPs as one of the LP licence renewal requirements? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 7

Do you agree that only RPC should be allowed to carry out prescribed plumbing works and should be responsible for the compliance of the prescribed plumbing works with technical requirements of the WA and the statutory requirements of the WWO and WWR? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

(You may still provide responses to Questions 8 to 14 in this Chapter assuming that RPC system is pursued.)

Question 8

Do you agree that the current liability of the RLP and designated person under the current WWO and WWR can be released under the RPC system? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 9

Do you agree that if an offence committed by an RPC is proved to have been committed with the consent or connivance of the key personnel or a senior manager concerned in the management of the RPC, that person shall also be guilty of the offence? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 10

Do you agree that in case of non-compliance with technical requirements related to drinking water safety, the RPC should be liable on conviction to a maximum fine at level 6 (\$100,000) and subject to disciplinary actions upon convicted by any court? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 11

Do you agree that in case of non-compliance with technical requirements not related to drinking water safety, the RPC should be subject to disciplinary actions instead of being liable to an offence? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 12

Do you agree with the proposed one-off transitional arrangement for securing sufficient ARs eligible for supervising large-scale prescribed plumbing works? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 13

Do you agree that the following requirements should be imposed on large-scale prescribed plumbing works? If disagree, why?

(1) RPC to provide a site supervision team

(2) RPC to appoint a key person with higher qualification to lead the site supervision team

Agree (may tick more than one box)

RPC to provide a site supervision team

RPC to appoint a key person with higher qualification to lead the site supervision team

Disagree, please specify the reason: _____

Question 14

Do you agree that the above requirements are not necessary to be applied on small-scale prescribed plumbing works? If disagree, why?

Agree

Disagree, please specify the reason: _____

Chapter 3 – Control of Plumbing Materials

Question 15

Do you agree to introduce the relevant testing requirements benchmarked against AS/NZS 4020 to assess the leachability of metals from plumbing materials for use in the part of an internal plumbing system for supplying water for drinking purposes? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 16

Do you agree that we should continue with the administrative measures to facilitate the public to purchase GA products in the retail market for use in minor plumbing works, as a measure to safeguard drinking water safety and water use efficiency? If disagree, why?

Agree

Disagree, please specify the reason: _____

Chapter 4 – Control of Drinking Water Dispensers and Fountains

Question 17

Do you agree to regulate DWDF connected to internal plumbing systems under which they should comply with metal leaching requirement to safeguard the safety of drinking water conveyed by them? If disagree, why?

- Agree
- Disagree, please specify the reason: _____
- _____
- _____

Chapter 5 – Safeguarding Drinking Water Safety at Consumers' Taps

Question 18

Do you agree to empower the WA to enter premises in case of urgency to ascertain drinking water quality in internal plumbing systems when there is a concern over drinking water safety thereof? If disagree, why?

- Agree
- Disagree, please specify the reason: _____
- _____
- _____

Question 19

Do you agree to empower the WA to issue a notice requiring the party who is responsible for the maintenance of the internal plumbing systems to investigate and rectify the drinking water quality problem in internal plumbing systems? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 20

Do you agree that any person who does any wilful act causing contamination to drinking water in an internal plumbing system shall be guilty of an offence? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 21

If you agree to Question 20, do you agree that the level of punishment shall be set to a maximum fine of level 6 (\$100,000) and imprisonment of 1 year? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Chapter 6 – Water Efficiency Labelling Scheme**Question 22**

Do you agree to require the mandatory provision of WELS labels showing the water consumption and water efficiency grades of the products of prescribed WELS Types on the products or their individual packages to facilitate consumer selection in the retail outlets? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 23

Do you agree to provide a transitional period for the products of prescribed WELS Types to be registered under the WELS after enactment of the WWO provisions for the mandatory implementation of the WELS? If disagree, why?

- Agree, with a transitional period of 2 years/ []# years after enactment of the WWO provisions for the mandatory implementation of the WELS
- Disagree, please specify the reason: _____

#Delete as appropriate

Question 24

Do you agree that the penalty for (i) sale of products of the prescribed WELS Types not registered under the mandatory WELS in Hong Kong; or (ii) unauthorized use of WELS label should be set to a maximum fine at level 4 (\$25,000)? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 25

Do you agree with the imposition of a fixed penalty of \$1,000 on suppliers for 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? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 26

Do you agree that we should monitor the use of water efficient products after the mandatory implementation of the WELS under the WWO comes into force to see if the more stringent measure should be implemented to impose the minimum water efficiency requirements for the products of the prescribed WELS Types sold in Hong Kong? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Chapter 7 – Maintenance and Rectification of Water Loss in Communal Part of Internal Plumbing System

Question 27

Do you agree with the proposal to amend the WWO such that if there is no RA or if in the opinion of 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 IO or DMC manager, or if there is no IO or DMC manager, all the property owners of the development? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 28

In order to encourage early rectification of the water loss problem in communal service, do you agree with the introduction of communal water loss charge for the water loss in communal service when the party responsible for maintenance of communal service fails to rectify the water loss problem upon expiry of the grace period? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 29

What is your view on the proposed percentage of assessed water loss in communal services (i.e. the Actionable Level) above which the water loss charge shall be imposed?

- The Actionable Level shall be set at 15% of the total quantity of water supplied to the development measured by the MMs
- Other suggestion: _____%

Question 30

Do you agree to adopt the proposed three-tier grace periods of 4 months, 8 months and 12 months before imposition of the communal water loss charge? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 31

If the WA issues a bill to each of the property owners of the development for the communal water loss charge, do you agree that the charge shall be apportioned in accordance with the management shares or, in the absence thereof, the undivided shares of the development? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 32

Do you agree with the regular announcement of developments with the amount of water loss in the communal service exceeding the Actionable Level after the grace period has lapsed? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 33

Do you agree to empower the WA to issue a notice requiring the responsible parties to investigate and rectify the hidden water loss in communal service? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 34

Do you agree to empower the WA to issue a notice requiring the responsible parties to investigate and rectify any problem in relation to weak pressure or inefficiency of water supply of a communal service? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 35

Do you agree that any person who, without reasonable excuse, fails to comply with a repair notice served on him shall be guilty of an offence? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 36

If you agree to Question 35, do you agree that the level of punishment shall be set to a maximum fine at level 4 (\$25,000)? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Chapter 8 – Others

Question 37

Do you agree that the RC should only be allowed to recover from the occupiers of the premises the water charge for water consumption paid to the WA but not any other costs? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 38

Do you agree to raise the penalty level for contravention of regulation 47 of the WWR from maximum fine at level 3 (\$10,000) to level 4 (\$25,000)? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 39

Do you agree to increase the maximum penalty for the offence of unlawful taking of water under section 29 of the WWO to a fine at level 4 (\$25,000) plus trebling the charge and imprisonment for 6 months? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 40

Do you agree that the person who constructs or alters a fire or inside service enabling others to take water unlawfully and the person who interferes with a meter in such a manner that causes erroneous measurement of water consumption shall be guilty of an offence? If disagree, why?

Agree

Disagree, please specify the reason: _____

Question 41

If you agree to Question 40, do you agree that the level of punishment shall be set to a maximum fine at level 4 (\$25,000) and imprisonment for 6 months? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

Question 42

Do you agree that if the RCs fail to comply with the WA's request to convert to salt water for flushing within a reasonable time, their flushing water consumption will be charged at the highest rate for fresh water supply for domestic purposes (i.e. \$9.05 per cubic meter of consumption presently) without any free allowance? If disagree, why?

- Agree
- Disagree, please specify the reason: _____

OTHER VIEWS AND COMMENTS

Please provide other views and comments below:

Please refer to the enclosure.

(Please use additional sheets if necessary)

PERSONAL DATA COLLECTION STATEMENT

1. It is voluntary for any member of the public to supply his/her personal data upon providing views on the consultation document. Any personal data provided with a response form for consultation will only be used for this consultation exercise. The response forms and personal data collected may be transferred to the relevant Government bureaux, departments or agencies for purposes directly related to this consultation exercise. The relevant parties receiving the data are bound by such purposes in their subsequent use of such data.
2. The names and views of individuals and organisations which submit response forms in response to the consultation document (senders) may be published for public viewing after conclusion of the consultation exercise. The DEVB and the WSD may, either in discussion with others or in any subsequent report, whether privately or publicly, attribute comments submitted in response to the consultation document. We will respect the wish of senders to remain anonymous and/or keep the views confidential in relation to all or part of a submission; but if no such wish is indicated, it will be assumed that the sender can be named and his/her views be published for public information.
3. Any sender providing personal data to the DEVB and the WSD in the submission will have the right of access and correction with respect to such personal data. Any request for data access or correction of personal data should be made in writing to the contact specified above.