

SEWAGE SERVICES ORDINANCE  
- CHAPTER 463

LONG TITLE

Long title VerDate:30/06/1997

An Ordinance to provide for the imposition of sewage charges and trade effluent surcharges and other related matters.

(Enacted 1994)

[The Ordinance other than section 3(5) } 1 April 1995] L.N. 115 of 1995

(Originally 105 of 1994)

SECT 1

Short title and commencement VerDate:30/06/1997

(1) This Ordinance may be cited as the Sewage Services Ordinance.

(2) This Ordinance shall come into operation on a day to be appointed by the Secretary for Planning, Environment and Lands by notice in the Gazette.

(Enacted 1994)

SECT 2

Interpretation VerDate:30/06/1997

In this Ordinance, unless the context otherwise requires-

"agent" has the same meaning as in the Waterworks Ordinance (Cap 102);

"communal drain" means a drain that is not used exclusively by one discharger;

"communal service" has the same meaning as in the Waterworks Ordinance (Cap 102);

"communal sewer" means a sewer that is not used exclusively by one discharger;

"consumer" has the same meaning as in the Waterworks Ordinance (Cap 102);

"domestic sewage" means waste of a kind and quantity that is generated by the use of a toilet, water closet, bath, shower, sink, basin or other sanitary fitment in domestic premises or while at a place of work;

"Drainage Authority" means the Director of Drainage Services or his authorized representative;

"sewage charge" means a charge imposed under section 3(1);

"trade effluent" means any effluent, either with or without particles of matter in suspension therein, that is wholly or in part produced in the course of any trade, business or manufacture;

"trade effluent surcharge" means a trade effluent surcharge imposed under section 4;

"wastewater" means water that is directly or indirectly used in or generated by human activity;

"Water Authority" means the Director of Water Supplies. (Enacted 1994)

SECT 3

Sewage charges VerDate:30/06/1997

Subsection (5) not yet in operation.

(1) A consumer whose premises are connected, whether directly or indirectly, to a communal drain or a communal sewer which is vested in and maintained by the Government, for the purpose of removing wastewater therefrom shall pay, or if there is a communal service, the agent shall pay, to the

Government a sewage charge at a prescribed rate based on the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes.

(2)Notwithstanding subsection (1), where the Waterworks Regulations (Cap 102 sub. leg.) provide that there shall be no charge in respect of a prescribed volume of water supplied for domestic purposes, no sewage charge shall be payable in respect of such water provided for such purpose.

(3)Notwithstanding subsection (1), a regulation may provide that, where premises are used for a prescribed trade, business or manufacture, the charge under subsection (1) shall be based on a prescribed percentage of the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes.

(4)The consumer or agent, as the case may be, shall be billed for, and shall pay, the sewage charge at the same time as for charges under the Waterworks Ordinance (Cap 102), and sections 10(a), 19(4)(c), 21 and 34(2) and (3) of that Ordinance apply to an unpaid sewage charge as though it were a charge imposed under that Ordinance.

(5)The Water Authority may increase the amount of a deposit under section 19(1) of the Waterworks Ordinance (Cap 102) where a consumer or agent is liable to pay sewage charges.  
(Enacted 1994)

#### SECT 4

Payment of trade effluent surcharges VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1)Where a consumer whose premises are connected, whether directly or indirectly, to a communal drain or a communal sewer which is vested in and maintained by the Government, produces trade effluent that is discharged into the communal drain or communal sewer, the consumer shall, or if there is a communal service the agent shall, in addition to a sewage charge, pay to the Government a trade effluent surcharge as prescribed by the Chief Executive in Council. (Amended 34 of 2000 s. 3)

(2)The Drainage Authority shall issue a bill for the trade effluent surcharge and the consumer or agent shall pay the bill on or before the date specified in the bill.

(3)Where a consumer or agent fails to pay the trade effluent surcharge within the specified time, the Drainage Authority may notify the Water Authority that the trade effluent surcharge is outstanding and, on being so notified, the Water Authority may exercise his powers under section 10(a) of the Waterworks Ordinance (Cap 102) as though the trade effluent surcharge were a charge imposed under that Ordinance.

(4)The Drainage Authority may require a consumer or agent to whom this section applies to pay a deposit to cover any trade effluent surcharge that may become due and a deposit under this section is in addition to any deposit required under section 3.

(5)If a consumer or agent does not pay the deposit within the time specified for payment in the notice requiring payment of the deposit, the Drainage Authority may notify the Water Authority that payment has not been received and, on being so notified, the Water Authority may exercise his powers under section 19(2) of the Waterworks Ordinance (Cap 102) as though the deposit were a deposit for which payment was not made under that Ordinance.

(6)A deposit paid under this section-

(a) shall not bear interest;

(b) shall not be transferable; and

(c) may, without prejudice to the exercise of any other power under this Ordinance, be applied by the Drainage Authority at any time to the payment of any trade effluent surcharge.

(7) Subject to subsection (6)(c), the Drainage Authority shall refund a deposit to a consumer or agent if-

(a) another consumer or agent is approved by the Water Authority in his place;

(b) an undertaking given by the consumer or agent under section 7 of the Waterworks Ordinance (Cap 102) in respect of paying charges under that Ordinance is cancelled by the Water Authority; or

(c) the Drainage Authority is of the opinion that the deposit is no longer required.

(8) Where a consumer has been paying a trade effluent surcharge based on being in a particular category as prescribed by the regulations and he subsequently changes his trade, business or manufacture to which the trade effluent surcharge relates such that he would be in a different category as prescribed under the regulations, he shall as soon as practicable on changing such trade, business or manufacture notify the Drainage Authority of the change giving details of the change sufficient for the Drainage Authority to identify the change in category for the purposes of calculating the trade effluent surcharge that would be payable.

(9) A person who fails to notify the Drainage Authority of a change as required under subsection (8) commits an offence and is liable on conviction to a fine at level 6.

(Enacted 1994)

## SECT 5

Liability for sewage charges and trade effluent surcharges VerDate:30/06/1997

A consumer or agent, as the case may be, who is liable to pay sewage charges under section 3 or trade effluent surcharges under section 4, as the case may be, shall remain liable until-

(a) another consumer or agent is approved by the Water Authority in his place; or

(b) an undertaking given by the consumer or agent under section 7 of the Waterworks Ordinance (Cap 102) in respect of paying charges under that Ordinance is cancelled by the Water Authority, notwithstanding that-

(i) he ceases to occupy the premises;

(ii) he ceases to be responsible for the management of the premises or any part thereof; or

(iii) the Water Authority exercises any power under section 8, 9, 10 or 19(2) of the Waterworks Ordinance (Cap 102).

(Enacted 1994)

## SECT 6

Unpaid trade effluent surcharges VerDate:30/06/1997

(1) A trade effluent surcharge which is not paid shall be a debt due to the Government.

(2)Where a trade effluent surcharge is not paid on or before the date specified in a notice of demand, a penalty on the unpaid trade effluent surcharge may be levied in accordance with regulations made under this Ordinance.  
(Enacted 1994)

- SECT 7

Recovery of charges arising from false statements or withholding information VerDate:30/06/1997

Where a consumer-

- (a) fails to supply required information;
- (b) fails to notify the Drainage Authority as required under section 4(8);
- (c) supplies information which he knew or ought reasonably to have known was false in a material particular,he shall be liable for any sewage charges or trade effluent surcharges not paid as a result of such action and the unpaid sewage charges or trade effluent surcharges may be recovered as a debt due to the Government.(Enacted 1994)

SECT 8

Presumptions and evidence in writing VerDate:30/06/1997

(1)In any civil proceedings a document, purporting to be signed by the Drainage Authority, stating in the case of proceedings for the recovery of an unpaid trade effluent surcharge-

- (a) the name of the person liable to pay the trade effluent surcharge;
- (b) the amount of the trade effluent surcharge;
- (c) the nature and other particulars of the trade effluent surcharge; and
- (d) that the trade effluent surcharge remains unpaid,shall be admitted in evidence without further proof.

(2) On the production of a document mentioned in subsection (1)-

(a) the court before which it is produced shall, in the absence of evidence to the contrary, presume-

- (i) that it was signed at the time and place specified therein by the Drainage Authority;
- (ii) that the facts stated in the document are true; and
- (iii) that the record of the facts stated in the document was made and compiled at the time stated therein; and

(b) the document shall be evidence of all other matters contained therein.

(3)Where any document is produced and admitted as evidence under subsection (1), the court may, if it thinks fit, on its own motion or on the application of any party to the proceedings, summon the person who signed the document and examine him as to the subject-matter thereof.  
(Enacted 1994)

## SECT 9

Reduction, etc. of charges VerDate:30/06/1997

(1)The Drainage Authority may in any particular case reduce, waive or refund, in whole or in part, sewage charges or trade effluent surcharges, where the Drainage Authority is satisfied that-

- (a) there is a change in the category of trade, business or manufacture;
- (b) premises are not connected to a communal drain or a communal sewer which is vested in and maintained by the Government;
- (c) there is leakage in the water pipe or there are errors in water consumption records;
- (d) the premises in respect of which the sewage charge or trade effluent surcharge is levied is used for industrial, commercial, recreational or agricultural purposes and the consumer has demonstrated to the Drainage Authority's satisfaction that the volume of wastewater discharged into a communal drain or communal sewer is not more than a prescribed percentage of the volume of water on which the sewage charge or trade effluent surcharge, as the case may be, is based.

(2)A reduction, waiver or refund of sewage charges only shall not be granted unless the consumer or agent, as the case may be, lodges an application with the Drainage Authority not more than one month after the date of issue of the demand note to which the application relates, and the application shall include sufficient evidence for the Drainage Authority to make a determination.

(3)Where the Water Authority exercises his authority under section 22 of the Waterworks Ordinance (Cap 102) and reduces, waives or refunds, in whole or in part, a charge for water, other than water specifically supplied for flushing purposes, the Drainage Authority shall, without an application by the consumer or agent, reduce, waive or refund the sewage charge and trade effluent surcharge, if any, so that such charges are based on the volume of water for which a charge was actually levied by the Water Authority.

(Enacted 1994)

## SECT 10

Access to premises by Drainage Authority VerDate:30/06/1997

(1)Subject to subsection (2), the Drainage Authority may, at all reasonable times, enter the premises of a consumer-

- (a) for the purpose of verifying information that is needed in determining the rate to be charged for sewage charges and trade effluent surcharges; and
- (b) to measure the volume of wastewater discharged or to collect samples of wastewater being discharged into a communal drain or a communal sewer.

(2)No domestic premises shall be entered by the Drainage Authority unless the occupier of the premises gives his consent.

(3)Where the Drainage Authority leaves equipment in a consumer's premises for measuring the volume or collecting samples of wastewater, a person shall not tamper with the equipment.

(4)A person who-

- (a) obstructs the Drainage Authority in the exercise of his powers under this section; or

(b) tampers with equipment contrary to subsection (3), commits an offence and is liable on conviction to a fine at level 3.  
(Enacted 1994)

#### SECT 11

Alternative sources of water VerDate:30/06/1997

Where a person uses water that is not supplied by the Water Authority and the water is used in premises that are connected to a communal drain or a communal sewer which is vested in and maintained by the Government, for the purpose of removing wastewater therefrom, the person shall be liable to pay sewage charges and trade effluent surcharges, if applicable, as if he were a consumer, and the Drainage Authority shall, for the purpose of determining the amount of such sewage charges and trade effluent surcharges, estimate the volume of such water used in the premises and the person shall pay to the Government sewage charges and trade effluent surcharges based on such estimate.  
(Enacted 1994)

#### SECT 12

Regulations VerDate:01/07/1997

Adaptation amendments retroactively made - see 34 of 2000 s. 3

(1) The Chief Executive in Council may make regulations- (Amended  
34 of 2000 s. 3)

(a) prescribing the rate to be used for sewage charges;

(b) prescribing the rates of trade effluent surcharges and the regulations may prescribe different rates for different categories of producers of trade effluent and may establish rates based on the relative strength of the trade effluent produced including the relative strength compared with the average strength of domestic sewage;

(c) providing that, where premises are used for a prescribed trade, business or manufacture, the trade effluent surcharge shall be based on a prescribed percentage of the volume of water supplied to the premises by the Water Authority, other than water supplied specifically for flushing purposes;

(d) prescribing the percentage of the volume of water on which the sewage charge or trade effluent surcharge is based for the purposes of section 9(1)(d);

(e) providing for variations in the rate of trade effluent surcharges for individual consumers and establishing the criteria to be used in determining such variations;

(f) establishing financial penalties for unpaid sewage charges and surcharges;

(g) requiring the furnishing of information needed for billing purposes by the Drainage Authority.

(2)A regulation made under subsection (1)(g) may provide that a person who fails to furnish the information or furnishes false information commits an offence and is liable to a fine not exceeding level 6.

(Enacted 1994)

#### SECT 13

For the saving and transitional provisions relating to the amendments made by the Resolution of the Legislative Council (L.N. 130 of 2007), see paragraph (12) of that Resolution.

(1)The Secretary for the Environment may issue a technical memorandum setting out the procedures and methods for obtaining samples and for the testing of the samples, for the approval of laboratories, for the presentation of results and for any other matters applicable to analysis of trade effluents. (Amended L.N. 106 of 2002; L.N. 130 of 2007)

(2)A technical memorandum issued under this section shall be published in the Gazette and shall be laid on the table of the Legislative Council at the next sitting after its publication.

(3)Where a technical memorandum has been laid on the table of the Legislative Council under subsection (2), the Legislative Council may, by resolution passed at a sitting of the Legislative Council held before the expiration of a period of 28 days after the sitting at which it was so laid, provide that the technical memorandum shall be amended in any manner consistent with this section.

(4)If the period referred to in subsection (3) would but for this subsection expire-

(a) after the end of a session of the Legislative Council or a dissolution thereof; but

(b) on or before the day of the second sitting of the Legislative Council in the next following session thereof, that period shall be deemed to extend to and expire on the day after that \*(5)Before the expiration of the period referred to in subsection

(3) or that period as extended by virtue of subsection (4), the Legislative Council may by resolution in relation to a technical memorandum specified therein-

(a) in the case of the period referred to in subsection (3), extend that period to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of its expiration;

(b) in the case where the period referred to in subsection (3) has been extended by virtue of subsection (4), extend that period as so extended to the first sitting of the Legislative Council held not earlier than the twenty-first day after the day of the second sitting in that next following session. (Replaced 8 of 2002 s. 15)

(6)A resolution passed by the Legislative Council in accordance with this section shall be published in the Gazette not later than 14 days after the passing thereof or within such further period as the Chief Executive may allow in any particular case. (Amended 34 of 2000 s. 3)

(7)A technical memorandum issued under this section shall come into operation-

(a) in the case where before the expiration of the period referred to in subsection (3) or, before the expiration of that period as extended under subsection (4) or (5), the Legislative Council does not pass a resolution amending the technical memorandum, upon the expiration of that period or, upon the expiration of that period as so extended, as the case may be; and

(b) in the case where the Legislative Council passes a resolution amending the technical memorandum, upon the expiration of the day next preceding the day of the publication in the Gazette of such resolution under subsection (6).

(8)In this section, "sitting" when used to calculate time, means the day on which the sitting commences and only includes a sitting at which subsidiary legislation is included on the order paper. (Enacted 1994)

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Note:

\* For the transitional provision relating to this subsection as amended by section 15(b) of the Extension of Vetting Period (Legislative Council) Ordinance 2002 (8 of 2002), see section 16 of that Ordinance.

SECT 14

Appeal to the Administrative Appeals Board VerDate:30/06/1997

A person aggrieved by any decision of the Drainage Authority made in respect of him under this Ordinance may, within 28 days from the date when he was informed of the decision, appeal to the Administrative Appeals Board.

(Enacted 1994)

SECT 15

(Omitted as spent) VerDate:30/06/1997

(Omitted as spent)

(Enacted 1994)