

CHAPTER 185.

WATERCOURSES AND WATERWORKS.

(31st May, 1956.)

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1. This Ordinance may be cited as the Watercourses and Waterworks Ordinance. Short tit

2. In this Ordinance and in any Regulations made thereunder— Interpre

“distribution area” means the Colony;

“domestic supply” means water supplied for use for domestic purposes only to any dwelling house, school house, church, office, store, shop or other building;

“non-domestic supply” means water supplied to any hotel, factory, laundry, garage used for hired cars, trough for watering animals or to any place where water is used wholly or partly for other than domestic purposes;

“premises” includes a house, tenement, store, warehouse, shop, and every other building, a yard whether open or enclosed and every piece or parcel of land;

“stand pipe” means any pipe, tap, cock, valve, cistern, or tank situated in any public place or in any place to which the public have access from, through or by means of which water is supplied to the public;

“street” includes any court, alley, highway, thoroughfare, public passage or place, however the same may be called;

“the Board” means the Water Board appointed under section 4;

“watercourse” means any pond, spring, stream or part thereof vested in the Crown or which shall be declared to be subject to the provisions of this Ordinance;

“water service” means any pipe, cock, valve, fitting or other appliance used for conducting a supply of water from the water works into any premises for use thereon;

“waterworks” means all reservoirs, wells, dams, tanks, cisterns, tunnels, filters, beds, conduits, aqueducts, pipes, stand-pipes, showers, valves, pumps, engines, culverts and all machinery and appliances, lands, buildings and things used for or in connection with the supply of water, which have been constructed or maintained from public funds or which shall hereafter be so constructed or maintained.

Watercourses
and water-
works—vesting
of in Crown.

3. All watercourses and waterworks which immediately before the coming into operation of this Ordinance vested in the Crown shall continue so to vest and any waterworks which may be constructed under the provisions of this Ordinance shall vest in the Crown.

Establishment
of Board.

4. There shall be established a Board to be styled “The Water Board”.

Constitution of
Board.

5. (1) The Board shall consist of the Water Engineer of the Colony or, if there be no such Water Engineer, then of the Superintendent of Public Works of the Colony, and four other members to be appointed by the Administrator in Council, one of whom shall be nominated for appointment by the Elected Members of the Legislative Council from among themselves.

(2) The Water Engineer of the Colony or, if there be no such Water Engineer, then the Superintendent of Public Works of the Colony shall be chairman of the Board and shall preside at all meetings of the Board but in his absence the members present shall elect one of themselves to be Chairman of the meeting.

(3) Three members of the Board shall form a quorum and all questions arising for the decision of the Board shall be decided by a majority of the votes of the members present and, when the votes are equal, the chairman shall have a casting vote.

(4) Members shall hold office for such period as the Administrator in Council may determine.

(5) A member shall vacate his office if he—

(a) resigns in writing addressed to the Administrator in Council;

(b) departs from the Colony without the leave of the Administrator in Council or remains out of the Colony after the expiration of his leave;

(c) fails, without reasonable excuse (the sufficiency whereof shall be determined by the Administrator in Council) to attend three consecutive meetings of the Board; or

(d) being a member nominated by the elected members of the Legislative Council ceases to be a member of that Council.

(6) The Administrator in Council may at any time appoint some person, and the elected members of the Legislative Council may in like manner nominate one of themselves for appointment to the Board—

(a) for the unexpired period of the office of a member who shall die or vacate his office; and

(b) for the period of any leave granted to a member.

6. (1) The Administrator may appoint any of the under-mentioned officers to serve the Board at such salaries as may be provided for the purpose—

Officers and employees of the Board.

(a) a secretary;

(b) a resident or a consulting engineer (if there be no Water Engineer of the Colony);

(c) such other permanent officers and clerks as may be necessary for the proper execution of the provisions of this Ordinance.

(2) The Board may from time to time engage such workmen and labourers as they may think fit.

7. Every officer (other than a resident or consulting engineer) appointed under subsection (1) of section 6 shall perform his duties under the directions of the Board but in all other respects and for all other purposes he shall be deemed to be an officer in the public service of the Colony.

Status of Officers.

8. (1) The Board shall control, manage, maintain and supervise all watercourses and waterworks in the distribution area and shall provide (so far as is practicable) an adequate water supply for the consumers therein.

Powers and duties of the Board.

(2) It shall be lawful for the Board—

(a) to construct or lay down any waterworks for improving or augmenting the water supply;

(b) at all reasonable times (with their servants or agents) to enter any public building that is to say, any building to which the public or any portion of the public may have access (on payment or otherwise) and to enter upon and to pass and repass over any land for the purpose of carrying out the provisions of this Ordinance;

(c) whenever it may be expedient or necessary for the purpose of conserving the water supply or for extending, altering or repairing the waterworks or for the purpose of connecting or repairing water services or in the case of fire to diminish, withhold, suspend or divert (without prejudice to the payment of water rate) the supply of water through the waterworks;

(d) whenever it may be expedient or necessary for the construction, alteration, maintenance or repair of any waterworks to break open any street and any sewer, drain or tunnel within or under any street.

Power to make rules.

9. The Board may make rules with respect to the time, place and convening of its meetings, the general regulation of its proceedings at meetings and the mode of conducting its business.

Power to make regulations.

10. (1) The Board may, with the approval of the Administrator in Council, make regulations relating to all or any of the following matters—

(a) the method of making application for a supply of water;

(b) the charges to be made for connecting water service appliances to premises;

(c) regulating the supply of water to consumers;

(d) regulating the supply of water from any tank or reservoir forming part of the waterworks;

(e) the circumstances (other than in times of emergency) in which a water supply may be stopped;

(f) the prevention of waste, misuse and pollution of water;

(g) securing the waterworks from injury of any kind;

(h) the cleaning, maintenance, protection and prevention of obstruction of watercourses;

(i) the sanitary control of water-sheds;

(j) the forms of all notices to be given or sent by the Board and the issuing and service thereof;

(k) the payment of rates; and

(l) generally, for more effectually carrying out the provisions of this Ordinance.

(2) Unless and until other provision shall be made under subsection (1), the regulations contained in the First Schedule shall have effect. **First Sched**

(3) Regulations made under paragraph (h) of subsection (1) may—

(a) authorize any officer of the Board to cut, fell, or burn any tree or underwood whatsoever growing or that shall grow within a distance of thirty feet of any water-course; and

(b) prohibit within the distance aforesaid the cultivation of any land or the depasturing or grazing thereon of any livestock.

(4) Regulations made under this section may prescribe penalties not exceeding six months imprisonment or a fine of one hundred dollars for any breach thereof.

11. It shall be lawful for the Board to supply water in bulk for the use of consumers upon such terms and conditions as shall be agreed upon with the approval of the Administrator in Council.

**Arrangeme
by Board f
bulk supply
of water.**

12. (1) The Board may, with the approval of the Administrator in Council, levy a water service rate on all premises in the distribution area.

**Power of B
to levy rate**

(2) A water service rate may be made to apply to the whole of the distribution area or different rates may be fixed for different parts thereof, or, for different classes of premises.

(3) All such rates shall be payable in such manner and at such times (whether fixed by reference to the service of a notice or demand or otherwise) as the Board shall prescribe by Regulation made under section 10.

(4) The expression "water service rate" means a rate levied on premises which are supplied with water by means of a service to such premises.

(5) The power of the Board to levy rates under this section shall be subject to such general or special exemptions as may

now exist or, from time to time, be approved by the Administrator in Council.

Second
Schedule.

(6) Unless and until other provision shall be made under this section the water service rates in the Second Schedule shall be levied on all premises in the distribution area.

Estimates.

13. (1) On or before the 30th day of September in each year the Board shall submit to the Administrator in Council an annual estimate of the anticipated expenditure of the Board in respect of the financial year commencing on the first day of January the next ensuing.

(2) Such estimate, as approved or amended by the Administrator in Council, shall be included in the Annual Estimates of the Colony and submitted to the Legislative Council in due course.

Expenses and
revenue of
Board.

14. (1) All expenses incurred or payable by the Board in carrying out the provisions of this Ordinance shall be met out of funds provided annually by the Legislative Council and all expenditure and disbursements shall be made in accordance with the financial instructions for the time being in force.

(2) All rates collected by the Board shall be paid for the public use of the Colony at the office of the Water Engineer or at such other place as the Administrator in Council may appoint. If there be no Water Engineer all such rates shall be paid at the office of the Superintendent of Public Works or at such other place as the Administrator in Council may appoint.

Audit of
account.

15. The Board shall, on or before the last day of March in each year, submit to the Auditor a statement of account for the twelve months ending on the preceding 31st day of December, and such statement shall, after audit, be submitted for the information of the Administrator and the Legislative Council.

Power to bring
watercourses
within the
provisions of
the Ordinance.

16. (1) The Legislative Council may, from time to time, by resolution declare that any watercourse shall be subject to the provisions of this Ordinance and thereupon the said provisions shall apply accordingly.

(2) A copy of every such resolution shall be published in the *Gazette* and in two newspapers, if any, circulating in the Colony.

17. (1) With respect to any watercourse the Legislative Council may, and with respect to any waterworks the Board may, by resolution declare that the provisions of this Ordinance, other than section 3, shall cease to apply to that watercourse or waterworks, as the case may be, and thereupon the said provisions shall cease to apply accordingly.

Power to remove water-courses or waterworks from the provisions of the Ordinance.

(2) A copy of every such resolution shall be published in the *Gazette* and in two newspapers, if any, circulating in the Colony.

18. For the purposes of this Ordinance, where in the opinion of the Administrator in Council the drainage of water from any area flows or is conveyed to a watercourse or waterworks the Administrator in Council may, by Order, declare that area or any part of that area to be a watershed.

Power to declare area to be a watershed

19. Compensation shall be payable in any case where actual damage or injury is occasioned to any property by any act or thing done in the execution of this Ordinance or any regulations made thereunder and, in the event of any dispute arising as to the amount payable, the amount claimed shall be deemed to be a civil debt and may be recovered by suit before a Court of competent jurisdiction.

Compensation.

20. (1) Every person who—

Offences.

(a) bathes in any watercourse or any part of the waterworks; or

(b) drives or permits or suffers any animal to be driven into or to enter into any watercourse or into any waterworks; or

(c) washes in or throws into or causes or suffers to be washed in or thrown into any watercourse or waterworks any animal or the carcass or part of the carcass of any dead animal; or

(d) puts or throws or causes or suffers to be put or thrown into any watercourse or waterworks any rubbish, dirt or filth, or any foul or offensive or obnoxious matter, whether solid or liquid; or

(e) washes or cleanses or suffers or causes to be washed or cleansed in any watercourse or waterworks any cloth, wool, leather or skin of any animal or any clothes; or

(f) causes or suffers the water from any sink, privy,

sewer, drain, engine or boiler or any foul or filthy water being and lying upon any land or premises, which is under his management and control or under the management and control of his servants or agents, to run or flow into any watercourse or waterworks; or

(g) does or commits any other act or thing whatsoever whereby any water flowing to or from any watercourse or waterworks is fouled or polluted or the flow thereof impeded or interrupted or the water improperly abstracted or wasted; or

(h) without the consent of the Board, diverts or takes the water supplying or flowing into any waterworks; or

(i) without the consent of the Board, constructs, alters or extends the service in his premises or connects any tap on his premises with the distributory pipes of the waterworks; or

(j) without the consent of the Board, does any act whereby the water from any watercourse or waterworks is drawn off or diminished in quantity or wasted; or

(k) wilfully moves, breaks or injures any lock, cock, valve tap, pipe or other appliance forming part of or used in connection with the waterworks; or

(l) without lawful excuse, removes or tampers with any meter, gauge or measuring instrument, or any level mark or other appliance,

shall be guilty of an offence.

(2) In proving interference with the due flow of water from the waterworks or of any watercourse or the pollution thereof, evidence may be given of repeated acts which together caused such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

Selling water
an offence.

21. If any person whose premises are supplied with water by the Board sells to any other person any such water he shall be guilty of an offence against this Ordinance.

Neglect to give
notice of want
of repair an
offence.

22. Any person whose premises are supplied with water by the Board who suffers any stop-cock, pipe or other waterworks on his premises to be out of repair, without giving notice to the Board, so that the water supplied to him shall be wasted, shall be guilty of an offence.

23. Any person who resists, obstructs, molests or assaults, or who assists any person in resisting, obstructing, molesting or assaulting any member of the Board or any officer or servant thereof acting under the provisions of this Ordinance or any regulations made thereunder, shall be guilty of an offence.

Resisting
obstructin
Board, etc
offence.

24. Any person who is guilty of an offence against this Ordinance shall be liable on summary conviction to a penalty not exceeding six months imprisonment or a fine of one hundred dollars and, in the case of a continuing offence, he shall be liable to a further penalty not exceeding ten dollars a day for every day during which the offence continues.

Penalty fo
offence.

25. Every proceeding instituted under this Ordinance or any regulations made thereunder shall be taken in the name and at the instance of the secretary of the Board.

Proceeding
be laid in r
of secretar

26. All rates and other charges payable under the provisions of this Ordinance or of any regulations made thereunder may be recovered by the Board by suit before a Court of competent jurisdiction.

Rates and
charges ho
recoverable

FIRST SCHEDULE.

S. 10(2).

REGULATIONS UNDER THE WATERCOURSES AND WATERWORKS
ORDINANCE.

1. SHORT TITLE. These Regulations may be cited as the Watercourses and Waterworks Regulations.

2. APPLICATION FOR A SUPPLY OF WATER.

(1) Every application for water to be supplied to any premises shall be made by the owner in the form set out in the Schedule hereto.

(2) The Board shall notify the applicant of the result of his application.

(3) An appeal shall lie to the Administrator in Council from any decision of the Board refusing to grant an application under paragraph (1).

3. CONNECTING WATER SERVICE.

(1) On the application being approved the Board shall connect

the water service to the premises or permit the same to be connected under its supervision.

(2) The water service shall not be connected to any urinal, water closet, or other similar sanitary apparatus except through a cistern and in accordance with such directions as may be given by the Board.

(3) Every water service discharging water into any bath, sink or other similar receptacle shall be so placed as to discharge above the top water level.

(4) Every cistern or tank which is connected to a water service and is used for storing a supply of water from the water-works shall be maintained clean and water-tight and fitted with a proper cover. The cover shall be fitted with an inspection plate and the water inlet shall be provided with a suitable and effective ball valve.

(5) The water service shall not be connected to any premises unless the Board is first satisfied that surplus water may easily be drained from such premises.

(6) No new water service shall be turned on on any premises on which there is no meter installed until the water rate payable on account of such water service shall have been first paid.

4. MAINTENANCE OF WATER SERVICE.

(1) The Board may from time to time effect repairs to the water service in any premises whenever they shall think necessary or at the request of the owner thereof who may be required first to deposit the estimated cost of such repair.

(2) No alteration or addition to any water service shall be made without the consent of the Board or without the execution thereof being subject to their inspection or control.

5. COST OF CONNECTING, REPAIRING, ETC. WATER SERVICE.

Where a water service is connected, repaired, altered or extended by the Board the cost shall include the following—

(a) The cost of all materials used (except meters) increased by 25%.

(b) The cost of labour.

(c) Any expenses incurred in carrying out the work including the cost of repairing any part of any street or road broken open for the purpose.

6. COST TO BE RECOVERED FROM OWNER.

(1) The cost of connecting, repairing, altering or extending a water service to any premises shall be recovered from the owner of the premises.

(2) The owner shall on being notified of the amount due, pay the same into the office of the Water Engineer or at such other place as the Administrator may appoint.

(3) The Board shall have power to fix a time for the payment of the amount due by any person and to extend such time or to permit of payment being made by instalments.

7. DOMESTIC SUPPLY.

The size of pipe to be used for conveying a domestic supply of water, unless the Board otherwise directs, shall be of half inch internal diameter.

8. WATER METERS.

(1) The Board shall have the right to install a meter in any premises with a non-domestic supply and in any premises with a domestic supply where the water service rate is based on the volume of water consumed on such premises.

(2) The meter shall remain the property of the Board and shall be fitted to a separate and distinct inlet leading direct from the distribution main into the premises.

(3) Whenever any question shall arise as to the accuracy of any meter the person complaining may on depositing the sum of \$3.60 into the Treasury require the meter to be tested and subsequent charges shall be based on the result of the test.

(4) A meter shall be deemed to be correct if its error does not exceed three per cent.

(5) In the event of the meter being found incorrect the amount of the deposit shall be returned.

(6) Any member of the Board or any Officer, employee or person authorized by the Board shall be at liberty to enter any premises where a meter is installed at all reasonable times for the purpose of reading, checking or inspecting the meter.

(7) The size of a service pipe for the purpose of determining the water service rate payable in respect of any premises shall be taken as the size of the pipe at the discharging cock or valve.

(8) In addition to the water service rate payable in respect of any premises the Board may charge a rental not exceeding \$7.20 per annum in respect of any meter installed by the Board on any premises, which rental shall be payable in equal quarterly instalments together with the water service rate under regulation 11 (b).

9. MATERIALS, FITTINGS, ETC.

All pipes, tubes, cocks, valves, fittings and other materials to be used in connecting or extending a water service may be provided by the Board or may be approved by the Board.

10. APPOINTMENT OF ASSESSORS.

The Board may appoint such persons as they think fit to assess the rental values of any premises supplied with water from the waterworks.

11. PAYMENT OF WATER RATES.

Water service rate shall be paid by the person requiring, receiving or using the water supplied by the Board as follows—

(a) In respect of premises on which no meter is installed the rate shall be paid in advance by equal half-yearly payments on the 7th January and the 7th July of each year.

(b) In respect of premises on which a meter is installed the rate shall be paid before the 7th January and the 7th July of each year.

12. DISCONTINUANCE OF WATER SUPPLY.

(1) Without prejudice to the payment of water rates the Board may regulate or suspend the supply of water to any premises in the event of drought or to enable an examination of any water service or of any part of the waterworks to be made or any repairs or alterations to any water service or waterworks or any other work necessary for the maintenance of the water supply to be effected.

(2) The Board may in any of the circumstances mentioned hereunder discontinue the supply of water to any premises—

(a) where the water rate in respect of the premises has remained unpaid for seven days after the date fixed for the payment thereof;

(b) where there has been undue waste or improper use of the water.

(3) When the supply of water to any premises is discontinued for default in the payment of water rate such service may be re-connected on payment by or on behalf of the defaulting party of the arrears of water rate due and in addition, at the discretion of the Board, of an additional fee of 48 cents.

13. CONTROL OF STAND PIPES.

(1) No person shall allow water from any stand pipe to flow—

(a) into any vessel which is at the time overflowing; or

(b) into any vessel which at the time, is unable to retain its contents.

(2) No person shall turn on the tap or cock of any stand pipe and allow the water flowing therefrom to go to waste.

(3) No person shall bathe, or wash any clothes or wash any child, animal or vehicle at or near any stand pipe.

14. PROTECTION OF WATERCOURSES,

The Board may—

(a) authorise any employee of the Board to cut, fell, or burn any tree or underwood whatever growing or that shall grow within a distance of thirty feet of any watercourse;

(b) prohibit within the distance aforesaid the cultivation of any land or the depasturing or grazing of any livestock.

15. OFFENCES AND PENALTIES.

Every person who contravenes any of these Regulations shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred dollars or imprisonment for a term not exceeding six months.

SCHEDULE.

APPLICATION FOR WATER TO BE SUPPLIED TO PREMISES.

I, _____ of _____ do hereby make application for the premises described hereunder of which I am owner to be connected to and supplied with water from the waterworks—

.....(description of premises)
.....

Dated the _____ day of _____ 19

Applicant.

SECOND SCHEDULE. S. 12(6).

WATER SERVICE RATES.

The water service rate payable annually on premises falling within the distribution area shall, in respect of a domestic supply or a non-domestic supply as respectively defined in the Watercourses and Waterworks Ordinance, be as follows—

(a) Domestic Supply. 30 cents on every \$4.80 of the annual assessed rental value of the premises: Provided that in no case shall the sum payable be less than \$6.00.

charges and waterworks.

(b) Non-Domestic Supply.

(i) 48 cents on every \$4.80 of the annual assessed rental value of the premises : Provided that in no case shall the sum payable be less than \$6.00; or

(ii) such rate as may agreed upon by the Board and approved by the Administrator.

Rental value shall be assessed value according to the Land and House Tax Ordinance, Cap. 251.

TITLE XXI.
MISCELLANEOUS.

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