

Chapter:	102	WATERWORKS ORDINANCE	Gazette Number	Version Date
		Long title		30/06/1997

To repeal and replace the Waterworks Ordinance 1938.

[1 January 1975] *L.N. 271 of 1974*

(Originally 44 of 1974)

Part:	I	PRELIMINARY		30/06/1997
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Section:	1	Short title		30/06/1997
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This Ordinance may be cited as the Waterworks Ordinance.

Section:	2	Interpretation	29 of 1998	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 29 of 1998 ss. 23 & 105

In this Ordinance, unless the context otherwise requires-

"agent" (代理人) means a person who is approved under section 7 as an agent of a communal service;

"charge" (收費) means any charge for water, any fee, the cost of repairs or other works carried out by the Water Authority under section 17, and any other charge, including a surcharge, which is payable under this Ordinance;

"communal service" (公用供水系統) means that part of a fire service or inside service which is used in common by more than one consumer in the same premises;

"connection to the main" (總水管接駁裝配) means the pipe between the main and the control valve which is nearest to the main and which regulates the flow of a supply from the main into a fire service or inside service, such control valve and all fittings between such control valve and the main;

"consumer" (用戶) means a person who is approved under section 7 as a consumer of a fire service or inside service;

"consumption" (用水量) means the supply obtained;

"deposit" (按金) means a deposit under section 19;

"domestic purpose" (住宅用途) means a purpose connected solely with the occupation of a dwelling-house and does not include a purpose connected with a garden, lawn, playground or swimming pool appurtenant to a dwelling-house;

"fire service" (消防供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connection to the main, which are used or are intended to be used for a supply solely for the purposes of fire fighting;

"fitting" (裝置) means-

(a) any apparatus, cistern, cock, equipment, machinery, material, tank, tap and valve; and

(b) any appliance or device other than a meter,

which is installed or used in a fire service or inside service;

"gathering ground" (集水區) means any surface of land-

(a) in or by which rain or other water is collected and from which water is, or is intended to be, drawn for the purposes of a supply; and

(b) which is mapped as a gathering ground under section 23;

"inside service" (內部供水系統) means the pipes and fittings in premises, and any pipes and fittings between the premises and a connection to the main, (other than the pipes and fittings forming part of a fire service) which are used or are intended to be used for the purposes of a supply;

"land held by the Government" (政府持有的土地) means land which is not-

- (a) leased land; or
- (b) occupied under-
 - (i) a licence issued under section 5 of the Land (Miscellaneous Provisions) Ordinance (Cap 28);
 - (ii) a licence or permit granted or issued under any other Ordinance; or
 - (iii) a deed or memorandum of appropriation; (Amended 29 of 1998 s. 23)

"leased land" (已批租土地) means land which is-

- (a) held under a Government lease; or (Amended 29 of 1998 s. 105)
- (b) vested in a person by an Ordinance;

"licensed plumber" (持牌水喉匠) means a person licensed under this Ordinance to construct, install, maintain, alter, repair or remove fire services or inside services; (Amended 81 of 1992 s. 2)

"main" (總水管) includes a connection to the main and any pipe owned by the Government and maintained by the Water Authority for the purposes of a supply;

"meter" (水錶) means an appliance or device owned by the Government and maintained by the Water Authority for the purpose of measuring consumption;

"premises" (處所) means any building or structure or any part thereof and any place-

- (a) in which there is a fire service, inside service or any part of the waterworks; or
- (b) in which a fire service or inside service is intended to be constructed or installed;

"public standpipe" (公眾街喉) means a standpipe owned by the Government and established by the Water Authority under section 13;

"supply" (供水) means a supply of water provided by the Water Authority from the waterworks;

"Water Authority" (水務監督) means the Director of Water Supplies; (Amended L.N. 76 of 1982)

"waterworks" (水務設施) means any property occupied, used or maintained by the Water Authority for the purposes of this Ordinance and any gathering ground.

Part:	II	DUTIES AND POWERS OF WATER AUTHORITY		30/06/1997
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Section:	3	Control of waterworks		30/06/1997
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(1) Subject to subsection (2), the Water Authority shall have the custody and control of the waterworks and of all water therein.

(2) Subsection (1) shall not apply to leased land within a gathering ground.

Section:	4	Duties of the Water Authority	29 of 1998 s. 105	01/07/1997
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Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

(1) The duties of the Water Authority shall be-

- (a) to supply water from the waterworks in accordance with this Ordinance;
- (b) to acquire and conserve water;
- (c) to supervise and regulate consumption;
- (d) to ensure the proper administration and management of the waterworks, and to make due provision for the security thereof;
- (e) to require payment of any charge and take such steps as may be necessary to enforce such payment; and
- (f) generally to administer the provisions of this Ordinance.

(2) The Water Authority may do all things necessary or convenient to be done for and in connection with or incidental to the due discharge of his duties under this Ordinance and in particular may construct, install, inspect, test, regulate, alter, repair or remove any part of the waterworks in, under or over any street or land held by the Government. (Amended 29 of 1998 s. 105)

Section:	5	Delegation by the Water Authority		30/06/1997
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(1) The Water Authority may, either generally or in any particular case, delegate any public officer to exercise or perform on his behalf any of the powers conferred or duties imposed upon him under this Ordinance.

(2) Where any power conferred or duty imposed upon the Water Authority is exercised or performed by a public officer, the Water Authority shall, unless the contrary is proved, be deemed to have delegated the public officer under subsection (1) to exercise the power or perform the duty.

Section:	6	Power of Chief Executive to give directions	57 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 57 of 1999 s. 3

(1) The Chief Executive may give to the Water Authority and to any public officer, other than a judge, a district judge or a magistrate, such directions as he thinks fit with respect to the exercise or performance of their respective powers or duties under this Ordinance, either generally or in any particular case.

(2) A person to whom a direction is given by the Chief Executive under subsection (1) shall, in the exercise or performance of his powers or duties under this Ordinance, comply with that direction.

(Amended 57 of 1999 s. 3)

Section:	7	Approval of consumer and agent		30/06/1997
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(1) The Water Authority may approve, as the consumer of a fire service or inside service in any premises, any person who-

- (a) occupies the premises; or
- (b) is responsible for the management of the premises or any part thereof; and
- (c) gives an undertaking, in such form as the Water Authority may specify,-
 - (i) to pay any charge due in respect of the fire service or inside service; and
 - (ii) to accept responsibility for the custody and maintenance of the fire service or inside service and the custody of any meter pertaining to the fire service or inside service. (Amended 81 of 1992 s. 3)

(2) The Water Authority may approve, as the agent of a communal service in any premises, any person who-

- (a) occupies the premises; or
- (b) is responsible for the management of the premises or any part thereof; and
- (c) gives an undertaking, in such form as the Water Authority may specify,-
 - (i) to pay any charge due in respect of the communal service; and
 - (ii) to accept responsibility for the custody and maintenance of the communal service. (Amended 81 of 1992 s. 3)

(3) A consumer or agent may at any time apply to the Water Authority for cancellation of an undertaking given by him under this section and the Water Authority shall, if all charges due from the consumer or agent have been paid, cancel the undertaking whereupon he shall cease to be the consumer or agent.

Section:	8	Refusal of a connection or reconnection		30/06/1997
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(1) The Water Authority may refuse to connect or reconnect a fire service or inside service to the main if-

- (a) the fire service or inside service, or any alteration thereto, is not approved by the Water Authority; or
- (b) there is no consumer for the fire service or inside service or, if there is a communal service, no agent for the communal service.

(2) Where the Water Authority refuses to connect or reconnect a fire service or inside service to the main he shall serve on the applicant for the connection or reconnection notice of such refusal and the notice shall specify the reasons for the refusal.

Section:	9	Restriction or suspension of a supply	30/06/1997
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The Water Authority may restrict or suspend a supply, for such time as he thinks fit, if he is satisfied that this is necessary or expedient-

- (a) to conserve water;
- (b) to prevent waste of water;
- (c) to construct, install, inspect, test, regulate, alter, repair or remove any part of the waterworks or any fire service or inside service;
- (d) to avoid damage to, or a breakdown in, the waterworks or any fire service or inside service, whether from fire, pollution, waste or otherwise; or
- (e) for the protection of life or property.

Section:	10	Disconnection of a fire service or inside service	30/06/1997
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The Water Authority may disconnect a fire service or inside service if-

- (a) any charge in respect of the fire service or inside service is not paid;
- (b) there is no consumer for the fire service or inside service or, if there is a communal service, no agent for the communal service;
- (c) the fire service or inside service does not, in the opinion of the Water Authority, comply with the provisions of this Ordinance;
- (d) the fire service or inside service is constructed, installed, or altered without his permission;
- (e) the consumer or agent, on receipt of a notice under section 16, fails to carry out the repairs or other works specified in the notice;
- (f) the Water Authority, or any person authorized by him in writing, is obstructed from entering the premises or carrying out any function under section 12;
- (g) the Water Authority is satisfied that waste, misuse or pollution of the supply has occurred or is likely to occur; or
- (h) the occupier (if any) of the premises and the consumer, on receipt of a notice in writing from the Water Authority requiring them to make reasonable arrangements to enable the Water Authority or any person authorized by him in writing to enter the premises or carry out any function under section 12, fail to make such arrangements within a reasonable time. (Added 81 of 1992 s. 4)

Section:	11	Notice of restriction, suspension or disconnection	30/06/1997
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(1) Except in the case of an unforeseen emergency, prior notice of any restriction or suspension of a supply under section 9, or of disconnection of a fire service or inside service under section 10, shall be served on the consumer and agent by the Water Authority and the notice shall specify the reasons for the restriction, suspension or disconnection.

(2) Notice under subsection (1) shall, where there is no consumer or agent, be served on the occupier of the premises or left at the premises.

Section:	12	Power of entry into premises	30/06/1997
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(1) Subject to subsection (2), the Water Authority, and any person authorized by him in writing, may enter at any reasonable time, or in case of urgency at any time, any premises to-

- (a) ascertain consumption;
- (b) restrict or suspend a supply under section 9;
- (c) disconnect a fire service or inside service under section 10 or 19(2);
- (d) ascertain whether there is in respect of a fire service or inside service on the premises any contravention of this Ordinance;
- (e) install, inspect, test, regulate, alter, repair or remove any part of the waterworks or any fire service or inside service therein.

(2) Except in case of urgency, neither the Water Authority nor a person authorized by him may enter any premises under subsection (1) unless he-

- (a) first obtains the consent of the occupier of such premises; or
- (b) first obtains a warrant under subsection (3).
- (3) If it is shown to the satisfaction of a magistrate on sworn information in writing that-
 - (a) admission to any premises has been refused, or refusal is apprehended, or the premises are unoccupied, or the occupier is temporarily absent, or an application for admission would defeat the object of the entry;
 - (b) there is reasonable ground for entry into the premises for any purpose specified in subsection (1); and
 - (c) notice of the intention to apply for the warrant has been served on the occupier of the premises, or such notice cannot be served because the premises are unoccupied or the occupier is temporarily absent, or the serving of such notice would defeat the object of the entry,

the magistrate may by warrant authorize the Water Authority, or any person authorized by the Water Authority in writing, to enter the premises, if need be by force. (Amended 47 of 1997 s. 10)

(4) The Water Authority, or any person authorized by him, entering any premises under this section may take with him such persons as may be necessary, and on leaving any unoccupied premises which he has entered shall leave them as effectually secured against trespassers as he found them to be at the time of entry.

(5) Every warrant issued under subsection (3) shall continue in force until the purpose of which the entry is necessary has been satisfied.

Section:	13	Public standpipes		30/06/1997
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(1) The Water Authority may establish public standpipes in any place to supply water to the public free of charge.

(2) Except with the permission in writing of the Water Authority, no person shall take water from a public standpipe for any purpose other than a domestic purpose.

(3) Any person who contravenes subsection (2) shall be guilty of an offence.

Part:	III	FIRE SERVICES AND INSIDE SERVICES		30/06/1997
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Section:	14	Construction, etc., of fire services and inside services		30/06/1997
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(1) Subject to subsection (2), no person shall, except with the permission in writing of the Water Authority, construct, install, alter or remove a fire service or inside service.

(2) The Water Authority may waive the requirement of permission under subsection (1) in the case of alterations to a fire service or inside service which are, in his opinion, of a minor nature.

(3) The construction or installation of a fire service or inside service shall be carried out in such manner as may be prescribed and the nature, size and quality of the pipes and fittings of the fire service or inside service shall be as prescribed.

(4) Any person who contravenes subsection (1) or (3) shall be guilty of an offence.

Section:	15	Construction, etc. by licensed plumbers		30/06/1997
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(1) Subject to subsection (2), no fire service or inside service shall be constructed, installed, maintained, altered, repaired or removed by a person other than a licensed plumber or a public officer authorized by the Water Authority.

(2) Alterations or repairs to a fire service or inside service which are, in the opinion of the Water Authority, of a minor nature, or the rewashering of a tap, may be carried out by a person other than a licensed plumber or a public officer authorized by the Water Authority.

(3) Subject to subsection (2), any person who-

- (a) contravenes subsection (1); or
- (b) employs or permits a person other than a licensed plumber or a public officer authorized by the Water Authority to construct, install, maintain, alter, repair or remove a fire service or inside service,

shall be guilty of an offence.

Section:	16	Water Authority may require repairs to be carried out		30/06/1997
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- (1) The Water Authority may, if he is satisfied that a fire service or inside service-
- (a) is in such a condition that waste or pollution of a supply has occurred or is likely to be caused thereby;
 - (b) has been altered without his permission; or
 - (c) does not comply with the provisions of this Ordinance,
- by notice require the consumer to carry out the repairs or other works specified in the notice to the fire service or inside service.
- (2) If under subsection (1) repairs or other works are to be carried out to a communal service, the notice requiring the repairs or other works shall be served on the agent.

Section:	17	Cost of constructing, etc., fire services and inside services	29 of 1998 s. 105	01/07/1997
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Remarks:

Amendments retroactively made - see 29 of 1998 s. 105

- (1) Subject to subsection (2), a consumer shall bear the cost of constructing, installing, maintaining, altering, repairing or removing a fire service or inside service.
- (2) The cost of maintaining, altering, repairing or removing-
- (a) a communal service shall be borne by the agent;
 - (b) any part of a fire service or inside service which is on land held by the Government shall be borne by the Water Authority. (Amended 29 of 1998 s. 105)
- (3) The Water Authority may alter or repair a fire service or inside service at the request of a consumer, or a communal service at the request of an agent, and the cost thereof shall, subject to subsection (2)(b), be payable by the person at whose request such alteration or repair is carried out.
- (4) If a consumer or agent, on receipt of a notice under section 16, fails to carry out the repairs or other works specified in the notice, the Water Authority may carry out the repairs or other works and the cost thereof shall be payable by the consumer or agent.

Section:	18	Supply to be metered		30/06/1997
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Except where this Ordinance otherwise provides, a supply shall be measured by meter or in such other manner as the Water Authority may determine.

Part:	IV	DEPOSITS AND CHARGES		30/06/1997
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Section:	19	Deposits		30/06/1997
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- (1) The Water Authority may fix the amount of, and require the payment of, a deposit by a consumer to cover any charge due or which may become due.
- (2) If payment of a deposit is required from a consumer of an existing fire service or inside service, the Water Authority may disconnect the fire service or inside service if the deposit is not paid within 14 days after the date of service of the notice requiring the payment.
- (3) If payment of a deposit is required from a consumer of a new fire service or inside service, the Water Authority may refuse to connect the fire service or inside service to the main until the deposit is paid.
- (4) 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 Water Authority at any time to the payment of any charge.
- (5) Subject to subsection (4)(c), a deposit shall be refunded to a consumer if-
- (a) another consumer is approved by the Water Authority in his place;
 - (b) an undertaking given by him under section 7 is cancelled by the Water Authority; or

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

Section:	20	Liability for charges		30/06/1997
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(1) Unless otherwise expressly provided in this Ordinance, all charges arising in connection with or in consequence of a supply, including the charges for making a connection to the main and installing a meter, shall be payable by the consumer or, in the case of a communal service, the agent. (Amended 81 of 1992 s. 5)

(2) The liability of a consumer and agent under an undertaking given under section 7 shall continue until-

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

Section:	21	Unpaid charges	57 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 57 of 1999 s. 3

(1) A charge which is not paid shall be a debt due to the Government. (Amended 57 of 1999 s. 3)

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

Section:	22	Reduction etc., of charges		30/06/1997
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The Water Authority may in any particular case reduce, waive or refund, in whole or in part, a charge.

Part:	V	GATHERING GROUNDS		30/06/1997
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Section:	23	Mapping of gathering grounds	L.N. 197 of 2004	12/02/2005
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(1) The Water Authority shall prepare maps showing all gathering grounds existing at the commencement of this Ordinance.

(2) Where a new gathering ground, or an extension of a gathering ground mapped under this section, is required for the purpose of extending or augmenting a supply, the Water Authority shall, after giving consideration to the preservation of traditional rights of any person to take water for agricultural and domestic purposes-

- (a) mark the limits or area of the new gathering ground on any map prepared under this section;
- (b) prepare a new map for the new gathering ground; or
- (c) alter the limits or area of the gathering ground on any map prepared under this section.

(3) Where there has been a reduction in the area of any gathering ground, the Water Authority shall accordingly alter the limits or area of that gathering ground on any map prepared under this section.

(4) Any map prepared, or any additions or alterations made thereto, under this section shall be signed and dated by the Water Authority.

(5) A map of a gathering ground prepared under this section shall be deposited in the Land Registry. (Replaced 20 of 2002 s. 5)

(6) A notice of a map prepared under this section and of any additions or alterations made thereto shall be published in the Gazette together with the address of the Land Registry in which the map is deposited under subsection (5). (Amended 8 of 1993 s. 2)

Section:	24	Control of leased land in gathering grounds	57 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 57 of 1999 s. 3

(1) The Chief Executive may by notice in writing require a lessee of land within a gathering ground to drain, treat, or develop his leased land, in such manner as the Chief Executive may specify, for any purpose connected with the waterworks, including the prevention, control or rectification of contamination or damage to the waterworks. (Amended 57 of 1999 s. 3)

(2) Where the lessee carries out any work in compliance with a notice under subsection (1), the reasonable cost of the work shall be paid by the Water Authority.

(3) No payment under subsection (2) shall be made unless the work is carried out to the satisfaction of the Water Authority.

Section:	25	Carrying out of work by Water Authority	57 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 57 of 1999 s. 3

(1) If a lessee fails to comply with a notice under section 24(1), or requests the Water Authority in writing to carry out the work specified in the notice, the Chief Executive may require the Water Authority to comply with the notice. (Amended 57 of 1999 s. 3)

(2) The Water Authority, and any person authorized by him in writing, may enter any leased land to comply with a requirement under subsection (1) on giving the lessee 14 days' notice of the intention to so enter.

(3) Where the Water Authority carries out any work under this section, the cost of the work shall be borne by the Water Authority.

Section:	26	Compensation	25 of 1998; 57 of 1999	01/07/1997
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Remarks:

Adaptation amendments retroactively made - see 25 of 1998 s. 2; 57 of 1999 s. 3

(1) A lessee who suffers damage or loss as a result of compliance with a notice under section 24(1), whether the work is carried out by the lessee or the Water Authority, and who claims compensation in respect thereof, shall deliver to the Water Authority particulars in writing of such damage or loss and of his claim for compensation, and the Chief Executive may, if he thinks fit, negotiate with the lessee for the settlement or compromise of the claim. (Amended 57 of 1999 s. 3)

(2) If the Chief Executive and the lessee do not agree on the settlement or compromise of the claim within 3 months of the delivery of particulars, the lessee may notify the Water Authority that he desires a reference to a tribunal; and the Chief Executive shall thereupon refer the claim with the particulars thereof to a tribunal, consisting of a District Judge nominated by the Chief Justice for the purpose. (Amended 57 of 1999 s. 3)

(3) The tribunal shall hear any evidence which the Water Authority or the lessee may wish to tender and, if so desired, hear counsel on behalf of the Government and the lessee, and shall determine the amount of compensation, if any, to be paid to the lessee.

(4) For the purposes of subsection (3), the tribunal shall have powers similar to those vested in the Court of First Instance for hearing evidence, determining claims for damages and awarding costs. (Amended 92 of 1975 s. 59; 25 of 1998 s. 2)

(5) The practice and procedure in connection with any proceedings before a tribunal under this section shall be such as the tribunal may determine.

(6) Any award or decision of a tribunal under this section shall be final:

Provided that any party dissatisfied with the decision as being erroneous in point of law, may, within 1 month after the decision, require the tribunal to state and sign a case for the decision of the Court of Appeal. (Amended 92 of 1975 s. 59)

Section:	27	Compensation to be paid from funds provided by the Legislative Council		30/06/1997
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Compensation awarded under section 26 shall be paid from such money as may be provided from time to time

by the Legislative Council.

Part:	VI	MISCELLANEOUS		30/06/1997
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Section:	28	Waste or misuse of a supply		30/06/1997
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Any person who wastes or misuses, or causes or permits to be wasted or misused, a supply shall be guilty of an offence.

Section:	29	Unlawful taking of water		30/06/1997
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- (1) Except with the permission of the Water Authority, no person shall-
 - (a) take water from the waterworks other than through a fire service, inside service or public standpipe;
 - (b) take water through a fire service for any purpose other than for fire fighting;
 - (c) take water through an inside service for any purpose other than that for which the water is supplied;
 - (d) subject to section 18, take through a fire service or inside service water which is not measured by a meter; or
 - (e) divert water from the waterworks.

(2) Any person who contravenes this section shall be guilty of an offence and shall be liable to pay a charge for the water so taken or diverted as if there had been a supply of that water to him as a consumer. (Amended 81 of 1992 s. 6)

Section:	30	Pollution	L.N. 266 of 2006	01/12/2006
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(1) Any person who deposits, or causes or permits to be deposited, any solid or liquid matter in such a manner or place that it may fall or be washed or carried into water forming part of the waterworks shall be guilty of an offence.

- (2) Any person who-
 - (a) enters, or bathes or washes in, water forming part of the waterworks;
 - (b) washes or causes or permits any animal to enter therein; or
 - (c) throws or places any thing therein,

shall be guilty of an offence.

(3) No act shall be an offence under this section if it is done with the permission in writing of the Water Authority.

(4) Any person guilty of an offence under this section shall be liable on summary conviction to a fine at level 5 and to imprisonment for 2 years. (Amended 27 of 1983 s. 2; L.N. 266 of 2006)

Section:	31	Damage, etc., to waterworks		30/06/1997
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Any person who, without the permission in writing of the Water Authority, alters, interferes with, damages or destroys any part of the waterworks shall be guilty of an offence.

Section:	32	Obstruction	L.N. 266 of 2006	01/12/2006
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Any person who obstructs the Water Authority, or any person authorized by him in writing, exercising any power, performing any duty, or carrying out any function, under this Ordinance shall be guilty of an offence and shall be liable on conviction to a fine at level 4 and to imprisonment for 6 months.

(Amended L.N. 266 of 2006)

Section:	33	Cost of repairing damage and recovery of damages or loss		30/06/1997
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(1) The Water Authority may carry out repairs or other works to any fire service, inside service or any part of the waterworks which is altered, interfered with, damaged, or destroyed as a result of the commission of an offence, and the cost of such repairs or other works may, upon an order of a magistrate, be recovered from the person convicted

of the offence in the same manner as if it were a fine imposed by a magistrate under the Magistrates Ordinance (Cap 227).

(2) If the Water Authority suffers any damage or loss as a result of the commission of any offence referred to in subsection (1), such damage or loss may, upon an order of a magistrate, be recovered from the person convicted of the offence in the same manner as if it were a fine imposed by a magistrate under the Magistrates Ordinance (Cap 227).

Section:	34	Presumptions and evidence in writing		30/06/1997
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- (1) In any civil or criminal proceedings it shall be presumed, until the contrary is proved, that-
- (a) in the case of any alteration or repairs to a fire service or inside service (other than a communal service), the consumer has caused or permitted the alteration or repairs;
 - (b) in the case of any alteration or repairs to a communal service, the agent has caused or permitted the alteration or repairs.

(2) In any civil or criminal proceedings a document, purporting to be signed by the Water Authority, or other person authorized by him, stating-

- (a) the name of a consumer of a fire service or inside service, or the name of an agent of a communal service;
- (b) the location of the fire service, inside service or communal service;
- (c) in the case of proceedings for the recovery of an unpaid charge,-
 - (i) the name of the person liable to pay the charge;
 - (ii) the amount of the charge;
 - (iii) the nature and other particulars of the charge; and
 - (iv) that the charge remains unpaid;
- (d) in the case of proceedings in respect of alterations or repairs to a fire service, inside service or communal service, the nature and other particulars of the alterations or repairs,

shall be admitted in evidence without further proof.

(3) When a document is admitted in evidence under subsection (2)-

- (a) until the contrary is proved, it shall be presumed that the document is so signed;
- (b) the document shall be prima facie evidence of the facts stated therein.

Section:	35	Penalties	L.N. 266 of 2006	01/12/2006
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(1) Any person who is guilty of an offence under this Ordinance shall, unless a penalty is otherwise expressly provided, be liable on summary conviction to a fine at level 4.

(2) Any person convicted of an offence under section 29 or section 30(1) or (2) shall, if the offence is a continuing one, be liable to a further fine of \$1000 for every day or part of a day during which the offence continues.
(Amended L.N. 266 of 2006)

Section:	36	Power of arrest		30/06/1997
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(1) Any public officer, authorized in writing in that behalf by the Water Authority, may arrest any person whom he reasonably suspects of having committed an offence under section 29(1)(e), 30, 31 or 32.

(2) Where a public officer arrests a person under subsection (1) he shall forthwith take that person to the nearest police station and hand him over to the custody of a police officer, and thereupon section 52 of the Police Force Ordinance (Cap 232) shall apply.

Section:	37	Regulations	L.N. 266 of 2006	01/12/2006
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(1) The Chief Executive in Council may make regulations for all or any of the following matters- (Amended 57 of 1999 s. 3)

- (a) the quality and type of a supply;
- (b) the construction, installation, maintenance, cleanliness, alteration, repair or removal of a fire service or inside service;
- (c) the connexion or reconnexion of a fire service or inside service to the main and the conditions subject

- to which such connexion or reconnexion may be made;
- (d) the method of measuring or assessing consumption;
- (e) the provision, number, size, installation, maintenance, repair, removal and custody of meters in premises;
- (f) the use of a supply for any particular purpose;
- (g) the prevention of waste or misuse of a supply;
- (h) the control of consumption from public standpipes;
- (i) the restriction or suspension of a supply or the disconnexion of a fire service or inside service;
- (j) the charges payable under this Ordinance;
- (k) the deposits to be paid by consumers;
- (l) the surcharge which may be levied on an unpaid charge;
- (m) the licensing of plumbers for the purposes of this Ordinance and control of licensed plumbers;
- (n) the taking of fish in waters forming part of the waterworks and the arrest by an officer empowered under such regulations of any person who he has reason to believe has contravened any specified regulation made under this paragraph;
- (o) the prohibition and control of access to gathering grounds;
- (p) the provision and control of burial grounds, camping sites and recreational facilities in gathering grounds;
- (q) the control over the use of gathering grounds for any purpose other than those specified in paragraph (p);
- (r) the service of any notice, form or other document under this Ordinance;
- (s) the signature on any notice, form or other document under this Ordinance or the printing of a name in lieu of the signature;
- (t) prescribing anything which under this Ordinance is to be or may be prescribed; and
- (u) generally for the better carrying out of this Ordinance.

(2) A regulation made under this section may provide that a contravention thereof shall be an offence and may prescribe a penalty for such offence not exceeding a fine at level 3. (Amended 27 of 1983 s. 3; L.N. 266 of 2006)

(3) Regulations made under subsection (1)(o), (p) or (q) shall not apply to leased land within a gathering ground.

Section:	38	Water Authority may specify notices and forms	30/06/1997
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(1) A notice under this Ordinance shall be in writing and shall be in such form as may be specified by the Water Authority.

(2) The Water Authority may specify any forms required for the purposes of this Ordinance.

(3) The Water Authority may publish in the Gazette any forms specified by him under subsection (2).

Section:	39	Transitional and saving provisions	30/06/1997
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(1) Any notice served, or map of a gathering ground prepared, under the repealed Waterworks Ordinance (Cap 102 1964 Ed.)(hereinafter referred to as the repealed Ordinance), and in force at the commencement of this Ordinance, shall be deemed to have been served or prepared under this Ordinance.

(2) Any person who is a consumer under the repealed Ordinance shall be deemed to be a consumer under this Ordinance and an undertaking given or a deposit paid by a consumer under the repealed Ordinance shall be deemed to be an undertaking given or a deposit paid under this Ordinance.