

Government introduces Bill into Legislative Council for strengthening enforcement power against overcharging for water

The Development Bureau announced today (October 11) that the Waterworks (Amendment) Bill 2023 (the Bill) will be submitted to the Legislative Council (LegCo) shortly, to strengthen the power of the Water Authority (WA) in evidence collection and information disclosure during the investigation of suspected cases of overcharging for water, as well as to increase the penalty level for water overcharging so as to enhance the enforcement efficiency and deterrent effect.

A spokesperson for the Development Bureau said, "There is currently no provision in the Waterworks Ordinance (Cap. 102) and the Waterworks Regulations (Cap. 102A) to empower the WA to compel the relevant persons to provide information in relation to suspected water overcharging cases. There is also no provision that requires a person who charges another person for using water to give a receipt and keep a copy of the receipt. It is therefore difficult for the WA to obtain sufficient evidence to support prosecution against the suspect for overcharging for water. There is also a need to increase the existing penalty of the offence so as to further enhance the deterrent effect."

Key features of the Amendment Bill are:

- (1) empowering the WA to obtain the relevant information and documents;
- (2) mandating a person who charges another person for using water to issue, and keep copies of, receipts;
- (3) introducing an offence for providing false or misleading information or documents;
- (4) increasing the penalty for overcharging for water;
- (5) empowering the WA and the Rating and Valuation Department to disclose information obtained from the investigation of water overcharging cases to each other; and
- (6) making clear that reimbursement of water charges may take place only after the water bill is issued.

The Development Bureau briefed the LegCo Panel on Development on the initial legislative amendment proposals in June this year. Comments were also sought from relevant stakeholders.

The spokesperson continued, "The Bill can help enhance the enforcement efficiency and deterrent effect against overcharging for water. It is anticipated that the proposed amendments would be most beneficial to subdivided unit tenants. The Government will fully support the LegCo's

examination of the Bill, with the hope that the Bill could be passed and implemented as soon as possible."

The Bill will be gazetted on October 13 and introduced into the LegCo for first reading on November 1. For details of the proposed amendments, please refer to the LegCo Brief issued today.