

Government to take inter-departmental and multi-pronged measures to protect tenants of subdivided units from being overcharged for water and electricity

Upon the enactment of the relevant ordinances in respect of water charges and tenancy controls on subdivided units (SDUs), there are still cases of overcharging for water and electricity by SDU landlords as reflected by some tenants and organisations. In view of this, the Government will step up actions and adopt an inter-departmental and multi-pronged approach to combat such illegal acts.

A spokesman from the Government said today (August 2) that the Housing Bureau, the Development Bureau, the Rating and Valuation Department (RVD) and the Water Supplies Department (WSD) have formulated a joint operation plan to combat illegal acts of overcharging for water and electricity contravening the Waterworks (Waterworks Regulations) (Amendment) Ordinance 2021 (hereinafter referred to as Waterworks Amendment Ordinance) and Part IVA of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7) (hereinafter referred to as the Tenancy Control Ordinance) with the following specific measures:

1. Strengthening joint inspections

The RVD and the WSD will strengthen joint inspections in order to promote the relevant sections in the ordinances and to understand whether tenants have been overcharged for water and electricity. If there are suspected offence cases, follow-up investigations will be conducted.

2. Enhancing the efficiency of prosecution

The RVD and the WSD will take joint operations for complaint cases and conduct inspections proactively to gain advantages of synergy as well as strengthen the exercise of statutory powers for obtaining relevant information from the landlords in respect of their payments/collections of reimbursements for water and electricity charges.

3. Improving the application procedures for the installation of separate water meters

Apart from the landlords who can submit applications using streamlined procedures under the pilot scheme for the installation of separate water meters in the subdivided units, the SDU tenants can also make such requests directly to the WSD and the department will take the initiative to approach the landlords for follow-up actions and provide appropriate technical support with a view to facilitating the installation of separate water meters for the

SDU tenants as soon as possible. If the landlord refuses to submit an application for separate water meters on a tenant's request, the WSD will closely monitor the water charges collected by the landlord from the relevant unit, and carry out a follow-up investigation of any suspected cases.

4. Strengthening publicity and education

The RVD and the WSD will launch a new round of promotion and publicity work through various channels (including TV, radio and department websites) and different means (including videos, audio clips and leaflets) etc to strengthen the publicity of the Tenancy Control Ordinance and the Waterworks Amendment Ordinance.

The spokesman emphasised, "We believe that the above stepped-up measures and collaborative efforts of various departments and non-government organisations will enhance the effectiveness of enforcing the relevant ordinances to provide protection for the relevant SDU tenants."

According to the amended Tenancy Control Ordinance, when the landlord requests the tenant to pay for the reimbursement of charges for any specified utilities and services (including water and electricity charges) as a separate payment from the rent, the landlords must produce for the tenant copies of the relevant bills, and provide an account in writing showing how the amounts are apportioned, and that the aggregate of the apportioned amounts does not exceed the billed amounts. It is an offence if the landlord fails to discharge such responsibilities.

In addition, according to the Waterworks Regulations, it is an offence if a landlord charges the SDU tenants more than the water charges paid to the WSD for the use of water. In handling cases of overcharging for water, the WSD can request the landlords to provide relevant payment records, in accordance with the authority empowered under the Waterworks Ordinance, for follow-up investigation when necessary.

The RVD and the WSD will conduct follow-up investigations and take enforcement actions against those landlords who are suspected of overcharging for water and electricity in accordance with relevant ordinances and records of evidence.