

第 VI 部

雜項

38. 放棄申索等及公帑及物料的撤帳

(1) 在不損害第 39A 條的規定的原則下，遇有涉及欺詐或疏忽的情況，財政司司長可在符合財務委員會指明的任何條件、例外情況或限制下——（由 1993 年第 89 號第 29 條修訂）

- (a) 放棄、免除或寬免政府所提出的或由他人代政府所提出的申索；
- (b) 將逾期未收的收入撤帳；
- (c) 將遺失或短缺的公帑、印花、證券或物料撤帳；及
- (d) 將屬於政府或政府所提供的而且已報廢的、不能使用的或廢棄的物料或其他動產撤帳。

(2) 財政司司長可將第 (1) 款賦予他的任何權力以書面轉授任何公職人員，但所轉授的權力須受授權書所指明的條件、例外情況及限制所規限。

（由 1997 年第 362 號法律公告修訂）

39. 仍可使用的物料等的處置

(1) 在不抵觸任何成文法則的條文及財務委員會所指明的任何條件、例外情況或限制的前提下，如將可使用的政府物料或其他財產贈予任何機構或組織是符合公眾利益的，財政司司長可授權作如此處置。

(2) 財政司司長可將第 (1) 款賦予他的任何權力以書面轉授任何公職人員，但所轉授的權力須受授權書所指明的條件、例外情況及限制所規限。

（由 1997 年第 362 號法律公告修訂）

✓ 39A. 費用的減少等

凡按條例或根據條例須向政府、公共機構或公職人員繳付的任何費用，而又不屬法院規則規限——（由 1973 年第 19 號第 54 條修訂；由 1985 年第 39 號第 60 條修訂；由 1999 年第 78 號第 7 條修訂）

- (a) 可由行政長官藉命令予以減少或更改；
- 但任何更改均不得使該項費用高於原來數目；

\* 本條文先見於第 1 章第 96 條，但憑藉 1993 年第 89 號第 27 條重制定為本條例的第 39A 條。

PART VI

MISCELLANEOUS

38. Abandonment of claims, etc. and write-off of public moneys and stores

(1) Without prejudice to section 39A, the Financial Secretary, subject to, in any case involving fraud or negligence, any conditions, exceptions or limitations specified by the Finance Committee, may— (Amended 89 of 1993 s. 29)

- (a) abandon, remit or waive any claims by or on behalf of the Government;
- (b) write off arrears of revenue;
- (c) write off losses or deficiencies of public moneys, stamps, securities or stores; and
- (d) write off condemned, unserviceable or obsolete stores or other movable property belonging to or provided by the Government.

(2) The Financial Secretary may in writing delegate to any public officer any of the powers conferred upon him by subsection (1) subject to such conditions, exceptions and limitations as are specified in the delegation.

39. Disposal of serviceable stores, etc.

(1) Subject to the provisions of any enactment, and to any conditions, exceptions or limitations specified by the Finance Committee, the Financial Secretary may authorize the gift of serviceable Government stores or other property to any institution or organization where it is in the public interest to do so.

(2) The Financial Secretary may in writing delegate to any public officer any power conferred upon him by subsection (1) subject to such conditions, exceptions and limitations as are specified in the delegation.

✓ 39A. Reduction, etc. of fees and charges

Any fee or charge made payable by or under any Ordinance to the Government or to any public body or public officer, not being a fee or charge which is regulated by rules of court— (Amended 19 of 1973 s. 54; 39 of 1985 s. 60; 78 of 1999 s. 7)

- (a) may be reduced or varied by order of the Chief Executive:

Provided that no variation thereof shall cause such fee or charge to exceed the original figure;

\* This provision previously appeared in s. 96 of Cap. 1. By virtue of 89 of 1993 s. 27, it was re-enacted as s. 39A of this Ordinance.

- (b) 在個別情況下及因特殊理由，可由行政長官全部或部分減免，或全部或部分退還；
- (c) 在不抵觸上述條文下，須撥入政府一般收入內，或由政府一般收入支付。

(由 1999 年第 68 號第 3 條修訂)

#### 40. 行政長官發出指示的權力

(1) 在財政司司長及庫務署署長根據本條例各自行使其權力或履行其職能及職責方面，行政長官可向財政司司長及庫務署署長發出其認為適當的指示，而該指示可屬概括性或屬個別情況下發出的。

(2) 財政司司長及庫務署署長在根據本條例各自行使其權力或履行其職能及職責時，須遵從行政長官根據第 (1) 款發出的指示。

(由 1997 年第 362 號法律公告修訂；由 1999 年第 68 號第 3 條修訂)

#### 40A. 庫務署署長可向收受某些款項的公職人員發出某些指示等

(1) 任何非公帑款項若由公職人員憑藉其所擔任的公職而收受，則在不抵觸任何成文法則的前提下，庫務署署長可以書面指示該公職人員按照庫務署署長認為適合的形式及方式，擬備及備存該等款項的帳目及紀錄，而該公職人員須遵從該指示。

(2) 在不抵觸任何成文法則條文的前提下，第 (1) 款所指的公職人員須——

- (a) 在庫務署署長要求下，給予他充分方便，以取得該款所指並由該公職人員收受的款項的帳目及紀錄資料，不論該等帳目紀錄已否依據根據該款發出的指示擬備及備存；及
- (b) 以庫務署署長規定的方式及在其規定的時間內，提交有關該等帳目及紀錄的報表及其他資料，並給予其方便以核對該等資料。

(由 1990 年第 11 號第 3 條增補)

- (b) may be remitted or refunded, in whole or in part, in any particular case and on any special ground by the Chief Executive;
- (c) subject as aforesaid shall be paid into or from the general revenue.

(Amended 68 of 1999 s. 3)

#### 40. Power of Chief Executive to give directions

(1) The Chief Executive may give to the Financial Secretary and the Director of Accounting Services such directions as he thinks fit with respect to the exercise or performance of their respective powers, functions and duties under this Ordinance, either generally or in any particular case.

(2) The Financial Secretary and the Director of Accounting Services shall, in the exercise or performance of their respective powers, functions and duties under this Ordinance, comply with directions given by the Chief Executive under subsection (1).

(Amended 68 of 1999 s. 3)

#### 40A. Director of Accounting Services may give certain directions, etc. to public officers in receipt of certain moneys

(1) Where moneys other than public moneys are received by a public officer by virtue of a public office held by him, the Director of Accounting Services may, subject to the provisions of any enactment, direct in writing the public officer to prepare and maintain accounts and records of those moneys in such form and manner as the Director of Accounting Services thinks fit, and the public officer shall comply with any such direction.

(2) Subject to the provisions of any enactment, a public officer referred to in subsection (1) shall—

- (a) upon request by the Director of Accounting Services, afford to him sufficient facilities for obtaining information with respect to any accounts and records of moneys referred to in that subsection received by the public officer, whether or not such accounts and records have been prepared and maintained in pursuance of a direction under that subsection; and
- (b) in such manner and at such times as the Director of Accounting Services requires, furnish him with returns and other information with respect to such accounts and records and afford to him facilities for the verification of information furnished.

(Added 11 of 1990 s. 3)

**23. Construction of imperial enactments**

Section 79 is repealed.

**24. Part heading repealed**

The heading to Part XII is repealed.

**25. Punishment of misdemeanors, including conspiracies and incitements**

Section 90(1) is amended, in the Chinese version by repealing “監禁7年及罰款\$50,000” and substituting “罰款及監禁7年”。

**26. Amendment of penalty**

Section 92 is repealed.

**27. Repeal and re-enactment of certain provisions**

(1) Sections 81, 82, 83, 84, 86, 87, 88 and 90 are repealed and re-enacted as sections 101B to 101I respectively of the Criminal Procedure Ordinance (Cap. 221).

(2) Section 85 is repealed and re-enacted as section 29 of the Law Amendment and Reform (Consolidation) Ordinance (Cap. 23).

(3) Section 88A is repealed and re-enacted in Part XIII as section 100A.

(4) Sections 89 and 91A are repealed and re-enacted as sections 14A and 14B respectively of the Criminal Procedure Ordinance (Cap. 221).

(5) Section 91 is repealed and re-enacted as section 19AA of the Evidence Ordinance (Cap. 8).

(6) Sections 93, 94 and 97 are repealed and re-enacted as sections 17A, 17B and 17C respectively of the Public Finance Ordinance (Cap. 2).

(7) Section 95 is repealed and re-enacted as section 18A of the Public Finance Ordinance (Cap. 2).

(8) Sections 96 and 100 are repealed and re-enacted as sections 39A and 40B respectively of the Public Finance Ordinance (Cap. 2).

**28. Rectification of errors**

Section 98A is amended—

- (a) in the Chinese version, in subsection (2), by adding “的會議” after “提交省覽”; and

**23. 英國成文法則的釋疑**

第79條現予廢除。

**24. 廢除第XII部標題**

第XII部標題現予廢除。

**25. 可公訴罪行(包括串謀及煽惑他人犯罪)的懲罰**

第90(1)條現予修訂，廢除“監禁7年及罰款\$50,000”而代以“罰款及監禁7年”。

**26. 刑罰的修訂**

第92條現予廢除。

**27. 多項條文的廢除及重新制定**

(1) 第81、82、83、84、86、87、88及90條現予廢除，並依次重新制定為《刑事訴訟程序條例》(第221章)第101B至101I條。

(2) 第85條現予廢除，並重新制定為《法律修訂及改革(綜合)條例》(第23章)第29條。

(3) 第88A條現予廢除，並重新制定為第XIII部第100A條。

(4) 第89及91A條現予廢除，並依次重新制定為《刑事訴訟程序條例》(第221章)第14A及14B條。

(5) 第91條現予廢除，並重新制定為《證據條例》(第8章)第19AA條。

(6) 第93、94及97條現予廢除，並依次重新制定為《公共財政條例》(第2章)第17A、17B及17C條。

(7) 第95條現予廢除，並重新制定為《公共財政條例》(第2章)第18A條。

(8) 第96及100條現予廢除，並依次重新制定為《公共財政條例》(第2章)第39A及40B條。

**28. 更正錯誤**

第98A條現予修訂——

- (a) 在第(2)款中，在“提交省覽”之後加入“的會議”；及

[附屬法例]

- (i) 花園，
- (ii) 草地，
- (iii) 各類遊樂場，
- (iv) 車房或停車場，或
- (v) 其他地點，而該處的供水並非作住宅用途或非作水務監督批准的其  
他用途；或
- (b) 伸延或更改內部供水系統，以供應淡水作 (a) 段所提述的任何用途。

## 11. 軟管不得接駁至內部供水系統

- (1) 任何人不得使用軟管或類似器具從內部供水系統取用淡水。
- (2) 凡在下列情況下使用軟管或類似器具取用淡水，則第 (1) 款不適用——
  - (a) 從水務監督所批准作該用途的冷水蓄水池取用淡水；或
  - (b) 提供淡水用於經水務監督批准的任何種類的家庭用具或器具。

## 12. 用淡水沖廁

- (1) 如未經水務監督書面許可，而在任何處所內使用來自水務設施的淡水沖洗水  
廁、廁所或尿廁，則該處所的佔用人及業主均屬犯罪。
  - (2) 凡犯了第 (1) 款所訂的違例事項，以下是好的免責辯護——
    - (a) 佔用人證明他對該違例事項不知情，或已採取合理步驟，加以防止；
    - (b) 業主證明他已提供用水或已採取合理步驟提供用水 (來自水務設施的淡  
水除外) 沖洗水廁、廁所或尿廁。
  - (3) 為施行本條及第 15(3) 條——
- “業主” (owner) 包括任何根據租契、特許或以其他方式直接從政府名下持有處所的人、  
處所的管有承按人、單獨或與他人共同為其本人或為他人收取處所租金的人或在  
假設處所租給租客的情況下，收取處所租金的人，以及業主的代理人。 (1998  
年第 29 號第 105 條)

[Subsidiary]

- (i) garden,
- (ii) lawn,
- (iii) playground of any kind,
- (iv) garage or car park, or
- (v) other place where the supply is not used for a domestic  
purpose or other purpose approved by the Water  
Authority; or
- (b) extend or alter an inside service for the supply of fresh water for  
any purpose referred to in paragraph (a).

## 11. Hosepipe not to be connected to an inside service

- (1) No person shall draw fresh water from an inside service by means of  
a hosepipe or similar apparatus.
- (2) Subregulation (1) shall not apply where fresh water is drawn by  
means of a hosepipe or similar apparatus—
  - (a) from a cold water storage cistern approved by the Water  
Authority for that purpose; or
  - (b) for use in any type of domestic appliance or apparatus approved  
by the Water Authority.

## 12. Use of fresh water for flushing

- (1) If in any premises fresh water from the waterworks is, without the  
permission in writing of the Water Authority, used for flushing water-closets,  
latrines or urinals, the occupier and the owner of such premises shall be guilty  
of an offence.
  - (2) Where a contravention of subregulation (1) is committed, it shall be a  
good defence—
    - (a) for the occupier to prove that the contravention was committed  
without his knowledge or that he had taken reasonable steps to  
prevent it;
    - (b) for the owner to prove that he has provided, or has taken  
reasonable steps to provide, water (other than fresh water from  
the waterworks) for flushing water-closets, latrines or urinals.
  - (3) For the purposes of this regulation and regulation 15(3)—
- “owner” (業主) includes any person holding the premises direct from the  
Government whether under lease, licence or otherwise, any mortgagee in  
possession and any person receiving rent of the premises, solely or with  
another, on his own behalf or that of any person, or who would receive  
the same if such premises were let to a tenant, and the agent of an owner.  
(29 of 1998 s. 105)

(d) 故意抗拒或妨礙獲授權人員根據第 43(2) 及 (3) 條行使權力，即屬犯罪，一經循簡易程序定罪，可處罰款 \$4,000。

(1983 年第 219 號法律公告)

45. 撤銷或暫時吊銷釣魚牌照

如有違反釣魚牌照的任何條件，水務監督可在不損害任何人因該違例事項而須負的法律責任的原則下，撤銷或暫時吊銷有關釣魚牌照。

第 VIII 部

雜項

✓ \*46. 用水的收費

水務監督須就根據本條例而供應的淡水，按附表 1 第 III 部所指明的收費率收費。

(1979 年第 85 號法律公告)

46A. (於 1984 年 4 月 1 日有效期屆滿)

46B. 用水樣本的檢驗

(1) 水務監督在應有關要求及在附表 1 第 IV 部所訂明的費用獲繳付後，須檢驗從任何供水中取得的用水樣本，並向提出檢驗要求的人發出檢驗結果的報告。

(2) 任何根據第 (1) 款發出的報告的額外副本，可發給任何提出該項要求並已繳付附表 1 第 IV 部所訂明費用的人。

(1985 年第 40 號法律公告)

47. 禁止出售用水

(1) 除第 (2) 款另有規定外，任何人未經水務監督書面許可，不得出售或要約出售來自水務設施的用水。

\* 本規例的實施受 1996 年第 176 號法律公告第 6 條所載的過渡性條文影響。該條轉錄於本規例之後。

(d) wilfully resists or obstructs an authorized officer in the exercise of his powers under regulation 43(2) and (3), shall be guilty of an offence and shall be liable on summary conviction to a fine of \$4,000.

(L.N. 219 of 1983)

45. Revocation or suspension of fishing licence

If any condition of a fishing licence is contravened, the Water Authority may, without prejudice to the liability of any person for the contravention, revoke or suspend the fishing licence.

PART VIII

MISCELLANEOUS

✓ \*46. Charges for water

The Water Authority shall charge the rates specified in Part III of Schedule 1 for fresh water supplied under the Ordinance.

(L.N. 85 of 1979)

46A. (Expired on 1.4.1984)

46B. Examination of water sample

(1) The Water Authority shall, upon being requested to do so and upon payment of the fee prescribed in Part IV of Schedule 1, carry out an examination of a water sample from any supply and shall issue to the person who requested the examination a report of the results of such examination.

(2) An additional copy of any report issued under subregulation (1) may be issued to any person requesting the same upon payment of the fee prescribed in Part IV of Schedule 1.

(L.N. 40 of 1985)

47. Prohibition of sale of water

(1) Subject to subregulation (2), no person shall, without the permission in writing of the Water Authority, sell or offer for sale water from the waterworks.

\* The operation of this regulation is affected by the transitional provision contained in section 6 of L.N. 176 of 1996 which is reproduced below the text of these regulations.

第 II 部

監督收費

(第 8 條)

除本附表訂明費用的工作外，由水務監督進行監督工作的收費，是該項工作實際費用的 20%。

第 III 部

✓ 淡水收費

(第 46 條)

1. 每 1 立方米單位 (1 000 升) 淡水 (不論已經過濾或未經過濾) 的收費如下——

	每單位收費
(a) 建造用途 .....	\$ 7.11
(b) 住宅用途 (沖廁除外)，每 4 個月計——	
(i) 首 12 個單位 .....	無須收費
(ii) 隨後的 31 個單位 .....	\$ 4.16
(iii) 隨後的 19 個單位 .....	\$ 6.45
(iv) 餘下單位 .....	\$ 9.05
(c) 沖廁用途，每 4 個月計——	
(i) 首 30 個單位 .....	無須收費
(ii) 餘下單位 .....	\$ 4.58
(d) “船舶用途”定義內 (a) 段所提述的船舶用途 .....	\$10.93
(e) “船舶用途”定義內 (b) 段所提述的船舶用途 .....	\$ 4.58
(f) 工業用途 .....	\$ 4.58
(g) 按庫務署署長發出預先繳費票繳費的任何用途 (但“船舶用途”定義內 (a) 段所提述的船舶用途除外) .....	\$ 4.58

(1996 年第 291 號法律公告；1996 年第 292 號法律公告)

2. 凡本部第 1(b) 或 (c) 項所列的收費以電腦計算，則該項所提述的“4 個月”須理解為提述 121.64 天。

(1996 年第 176 號法律公告)

PART II

SUPERVISION CHARGE

(Regulation 8)

The charge for supervision of work carried out by the Water Authority, other than work for which a fee is prescribed in this Schedule, shall be 20% of the actual cost of such work.

PART III

✓ CHARGE FOR FRESH WATER

(Regulation 46)

1. The charge for fresh water, filtered or unfiltered, per unit of 1 cubic metre (1 000 litres) shall be—

	Charge per unit
(a) for construction purposes .....	\$ 7.11
(b) for domestic purposes (other than flushing), per 4 month period—	
(i) for the first 12 units .....	\$NIL
(ii) for the next 31 units .....	\$ 4.16
(iii) for the next 19 units .....	\$ 6.45
(iv) for the remainder .....	\$ 9.05
(c) for flushing purposes, per 4 month period—	
(i) for the first 30 units .....	\$NIL
(ii) for the remainder .....	\$ 4.58
(d) for shipping purposes referred to in paragraph (a) of the definition of “shipping purpose” .....	\$10.93
(e) for shipping purposes referred to in paragraph (b) of the definition of “shipping purpose” .....	\$ 4.58
(f) for trade purposes .....	\$ 4.58
(g) for any purpose (other than shipping purposes referred to in paragraph (a) of the definition of “shipping purpose”) where payment is made against a prepaid ticket issued by the Director of Accounting Services .....	\$ 4.58

(L.N. 291 of 1996; L.N. 292 of 1996)

2. Where a charge under item 1(b) or (c) of this Part is calculated on a computerized basis, a reference in that item to “4 month period” shall be read as a reference to 121.64 days.

(L.N. 176 of 1996)

- “破產欠薪保障基金”(Protection of Wages on Insolvency Fund)指根據《破產欠薪保障條例》(第 380 章)第 6 條當作設立及繼續存在的基金；(由 1985 年第 12 號第 29(1) 條增補)
- “核證”(certification)指局長根據第 19 條所作的核證；(由 1984 年第 56 號第 2 條增補)
- “商業”、“業務”(business)指為了圖利而從事任何形式的生意、商務、工藝、專業、職業或其他活動，同時亦指一所會社；(由 1975 年第 88 號法律公告修訂；由 1975 年第 32 號第 2 條修訂)
- “登記冊”(register)指局長備存的商業登記冊；
- “會社”(club)指任何法團或一人以上的組織，其組成目的是為會員提供設施，以便進行社交或康樂活動，並且——
- 為其會員提供服務(不論是否為了圖利)；及
  - 擁有其會員有權專用的會社處所；(由 1975 年第 88 號法律公告增補；由 1975 年第 32 號第 2 條增補)
- “複本”(duplicate)就分行登記證而言，指根據在第 14 條下訂立的規例而發出的分行登記證複本；(由 1984 年第 56 號第 2 條增補)
- “複本”(duplicate)就商業登記證而言，指根據在第 14 條下訂立的規例而發出的商業登記證複本；(由 1984 年第 56 號第 2 條增補)
- “徵費”(levy)指附表 2 第 3 項所訂明的款額；(由 1984 年第 56 號第 2 條增補。由 1994 年第 33 號第 2 條修訂)
- “營業地點”(place of business)——
- 就根據《公司條例》(第 32 章)在香港成立為法團的公司而言，包括該公司的註冊辦事處；及
  - 就《公司條例》(第 32 章)第 XI 部適用的公司而言，包括已根據該部向公司註冊處處長交付姓名作註冊用途的人的地址。(由 1976 年第 95 號法律公告增補；由 1976 年第 27 號第 2 條增補)
- (1A) 就本條例而言，任何公司如——
- 根據《公司條例》(第 32 章)在香港成立為法團或屬《公司條例》(第 32 章)第 XI 部適用者；及
  - 除本款規定外，無須根據本條例登記，
- 則儘管有任何根據第 8(2) 條提供的結束業務通知，該公司仍須當作經營業務的人，並須根據本條例登記。(由 1976 年第 95 號法律公告增補；由 1976 年第 27 號第 2 條增補。由 1999 年第 3 號第 2 條修訂)
- (1B) 本條例適用於——

- “levy”(徵費) means the amount prescribed in item 3 of Schedule 2; (Added 56 of 1984 s. 2. Amended 33 of 1994 s. 2)
- “place of business”(營業地點) includes in relation to—
- a company incorporated in Hong Kong under the Companies Ordinance (Cap. 32), its registered office; and
  - a company to which Part XI of the Companies Ordinance (Cap. 32) applies, the address of any person whose name has been delivered to the Registrar of Companies for registration under that Part; (Added L.N. 95 of 1976; 27 of 1976 s. 2)
- “prescribed branch registration fee”(訂明的分行登記費) means the fee prescribed in item 2 of Schedule 2; (Added 56 of 1984 s. 2. Amended 33 of 1994 s. 2)
- “prescribed business registration fee”(訂明的商業登記費) means the fee prescribed in item 1 of Schedule 1; (Added 56 of 1984 s. 2. Amended 33 of 1994 s. 2)
- “prescribed document fee”(訂明文件費) means the fee for the issue of documents under sections 19 and 19A prescribed by regulations made under section 14; (Replaced 3 of 1999 s. 2)
- “Protection of Wages on Insolvency Fund”(破產欠薪保障基金) means the fund deemed to be established and continued in existence under section 6 of the Protection of Wages on Insolvency Ordinance (Cap. 380); (Added 12 of 1985 s. 29 (1))
- “register”(登記冊) means the register of businesses kept by the Commissioner;
- “valid branch registration certificate”(有效分行登記證) means a certificate which is issued by the Commissioner under section 6, or any duplicate branch registration certificate, and which has not expired; (Added 56 of 1984 s. 2)
- “valid business registration certificate”(有效商業登記證) means a certificate which is issued by the Commissioner under section 6 or had been issued under the Business Regulation Ordinance 1952 (14 of 1952), or any duplicate business registration certificate, and which has not expired. (Amended 56 of 1984 s. 2)
- (1A) For the purposes of this Ordinance a company which is—
- incorporated in Hong Kong under the Companies Ordinance (Cap. 32) or to which Part XI of the Companies Ordinance (Cap. 32) applies; and
  - not otherwise liable to be registered under this Ordinance,
- shall, notwithstanding any notification of cessation of business which may be furnished under section 8(2), be deemed to be a person carrying on business and shall be liable to be registered under this Ordinance. (Added L.N. 95 of 1976; 27 of 1976 s. 2. Amended 3 of 1999 s. 2)
- (1B) This Ordinance shall apply to—

- (i) 在有任何有關商業登記證的情況下，與該有關商業登記證內所註明的屆滿日期相同；或
- (ii) 在無任何有關商業登記證的情況下，則為局長在顧及有關個案的情況下合理決定的日期。
- (b) 在本款中，“有關商業登記證”(relevant business registration certificate)，就任何就某項業務的分行而發出的分行登記證而言，指就該項業務發出的商業登記證，而——
  - (i) 該商業登記證內所註明的生效日期，與該分行登記證內所註明的生效日期相同；或
  - (ii) 該商業登記證內所註明的生效日期早於該分行登記證內所註明的生效日期，但該商業登記證內所註明的屆滿日期並非早於該分行登記證內所註明的生效日期。(由 1999 年第 90 號法律公告及 1999 年第 44 號第 26 條增補)
- ✓(5C) 經營業務的人——
  - (a) 在已有任何有效商業登記證就該項業務發出的情況下，可在該證內所註明的屆滿日期前 1 個月或之前，向局長發出書面通知；或
  - (b) 在根據第 5(1) 條登記該項業務的申請於自該項業務開始經營起計的 1 年內提出的情況下，可在該申請內作出說明，
 藉以作出選擇，表示如在其後任何時間就該項業務有任何適用商業登記證發出，他選擇該等商業登記證內所註明的屆滿日期均為自其內所註明的生效日期起計的 3 年屆滿之日。(由 1999 年第 90 號法律公告及 1999 年第 44 號第 26 條增補)
- (5D)(a) 凡任何人已根據第 (5C) 款就某項業務作出選擇——
  - (i) 就已在或可在選擇作出後就該項業務發出的首張適用商業登記證而言，該項選擇不得撤回；
  - (ii) 除第 (i) 節另有規定外，如有任何有效商業登記證按照該項選擇而註明屆滿日期，該人可在該日期前 1 個月或之前，向局長發出書面通知，藉以撤回該項選擇。

- (i) where there is a relevant business registration certificate, be the same as the expiry date endorsed on the relevant business registration certificate; or
- (ii) where there is no relevant business registration certificate, be such date as the Commissioner shall reasonably decide having regard to the circumstances of the case.
- (b) In this subsection, “relevant business registration certificate” (有關商業登記證), in relation to a branch registration certificate issued in respect of a branch of a business, means a business registration certificate issued in respect of the business on which—
  - (i) the date of commencement endorsed is the same as the date of commencement endorsed on the branch registration certificate; or
  - (ii) the date of commencement endorsed is earlier than the date of commencement endorsed on the branch registration certificate, but the expiry date endorsed is not earlier than the date of commencement endorsed on the branch registration certificate. (Added L.N. 90 of 1999 and 44 of 1999 s. 26)
- ✓(5C) A person carrying on business may—
  - (a) where a valid business registration certificate has been issued in respect of the business, by notice in writing given to the Commissioner not later than 1 month before the expiry date endorsed on the certificate; or
  - (b) where an application for the registration of the business under section 5(1) is made within 1 year of the commencement of the business, by a statement in the application,
 elect that the expiry date to be endorsed on all applicable business registration certificates to be issued at any time thereafter in respect of the business shall be the date of the expiration of 3 years from the date of commencement endorsed thereon. (Added L.N. 90 of 1999 and 44 of 1999 s. 26)
- (5D)(a) Where a person has made an election as regards a business under subsection (5C)—
  - (i) the election shall be irrevocable in respect of the first applicable business registration certificate that has been or may be issued in respect of the business after the election is made;
  - (ii) subject to subparagraph (i), the election may be revoked by the person by notice in writing given to the Commissioner at any time not later than 1 month before the expiry date endorsed on a valid business registration certificate where the expiry date is endorsed in accordance with the election.



- (b) 凡某項選擇已根據 (a)(ii) 段撤回，就可在撤回作出後發出的任何商業登記證而言，該項選擇須視為不曾作出。 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 26 條增補)
- (5E) 在本條中，凡提述適用商業登記證——
- (a) 就按照第 (5C)(a) 款指明的方式作出的選擇而言，指註明符合以下規定的生效日期的商業登記證——
- (i) 該生效日期是在該款所提述的有效商業登記證內所註明的屆滿日期之後；及
- (ii) 該生效日期並非是在《1999 年收入條例》(1999 年第 44 號) 的生效日期之前；
- (b) 就按照第 (5C)(b) 款指明的方式作出的選擇而言，指註明一個並非是在《1999 年收入條例》(1999 年第 44 號) 的生效日期之前的生效日期的商業登記證。 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 26 條增補)
- (6) 就任何業務發出商業登記證或分行登記證，不得當作隱含以下意思：有關該業務或經營該業務的人或受僱於該業務的僱員的任何法律規定已獲遵從。 (由 1992 年第 79 號第 3 條修訂)
- (7) 凡某法人團體根據第 5(1) 條申請登記而該法人團體並非在香港成立為法團，局長須在登記冊上以他認為適當的方式將該法人團體的成立為法團的地方記錄在其名稱之後。 (由 1999 年第 3 號第 6 條增補)
- (由 1984 年第 56 號第 5 條修訂)

## ✓ 7. 繳費

- (1) 局長可藉發出通知書，要求——
- (a) 任何其業務屬以下情況的經營業務的人——
- (i) 該人並無就其所經營的業務持有有效商業登記證，而附表 1 第 1 項所訂明須繳付的費用及徵費並未繳付；或 (由 1999 年第 3 號第 7 條修訂)
- (ii) 該人就其所經營的業務的有效商業登記證有效期即將屆滿，而局長並未接獲任何根據第 8(2) 條就該項業務發出的結束業務通知，或該

- (b) Where an election is revoked under paragraph (a)(ii), the election shall be regarded as not having been made in respect of any business registration certificate that may be issued after the revocation is made. (Added L.N. 90 of 1999 and 44 of 1999 s. 26)
- (5E) In this section, a reference to applicable business registration certificate is a reference to—
- (a) in relation to an election made in the manner specified in subsection (5C)(a), a business registration certificate on which the date of commencement endorsed—
- (i) shall be a date after the expiry date endorsed on the valid business registration certificate referred to in that subsection; and
- (ii) shall not be a date before the commencement of the Revenue Ordinance 1999 (44 of 1999);
- (b) in relation to an election made in the manner specified in subsection (5C)(b), a business registration certificate on which the date of commencement endorsed shall not be a date before the commencement of the Revenue Ordinance 1999 (44 of 1999). (Added L.N. 90 of 1999 and 44 of 1999 s. 26)
- (6) The issue of a business registration certificate or a branch registration certificate in respect of any business shall not be deemed to imply that the requirements of any law in relation to such business or to the persons carrying on the same or employed therein have been complied with. (Amended 79 of 1992 s. 3)
- (7) Where a body corporate makes an application for registration under section 5(1) and the body corporate is not incorporated in Hong Kong, the Commissioner shall record its place of incorporation after its name on the register in a manner he sees fit. (Added 3 of 1999 s. 6)
- (Amended 56 of 1984 s. 5)

## ✓ 7. Payment of fees

- (1) The Commissioner may by notice call upon any person—
- (a) carrying on business—
- (i) in respect of which he is not in possession of a valid business registration certificate and for which the fee prescribed in item 1 of Schedule 1 and the levy have not been paid; or (Amended 3 of 1999 s. 7)
- (ii) in respect of which a valid business registration certificate is due to expire, and the Commissioner has not received any notification of cessation in respect of such business under section 8(2) or where the person is a company which is

人是公司而該公司根據第 2(1A) 條被當作經營業務的人，(由 1999 年第 3 號第 7 條代替)

在通知書所指明的日期或該日期前，繳付附表 1 第 1 項所訂明的費用及繳付徵費；或 (由 1994 年第 33 號第 3 條修訂)

(b) 任何在分行所經營的業務屬以下情況的經營業務的人——

(i) 該人並無就有關分行持有有效商業登記證，而附表 2 第 2 項所訂明的費用及徵費並未繳付；或 (由 1999 年第 3 號第 7 條修訂)

(ii) 該人就其所經營的業務的有效分行登記證有效期即將屆滿，而局長並未接獲任何根據第 8(2) 條就該分行發出的結束業務通知，(由 1999 年第 3 號第 7 條代替)

在通知書所指明的日期或該日期前，繳付附表 2 第 2 項所訂明的費用及繳付徵費，(由 1994 年第 33 號第 3 條修訂)

但如屬根據 (a)(ii) 或 (b)(ii) 段發出的通知書，該如此指明的日期不得較有關的有效商業登記證或分行登記證的屆滿日期的翌日為早。

(2) 凡在以下登記證有效期屆滿時——

(a) 就某項業務而發出的商業登記證；或

(b) 就在某分行經營的某項業務而發出的分行登記證，仍未接獲根據第 (1)(a)(ii) 或 (b)(ii) 款發出的通知書，經營該項業務的每一個人，均須在有關登記證有效期屆滿起計 1 個月內，將未接獲通知書一事通知局長。

(3) 局長可藉發出通知書，要求曾在緊接通知書發出前 6 年內的任何時間，在並無就某項業務而持有有效商業登記證或就某分行而持有有效分行登記證的情況下(視屬何情況而定)，經營該項業務或在該分行經營業務的任何人，在通知書所指明的日期或該日期前，繳付假若該人遵從本條例的條文即應已繳付的任何費用或徵費。

(4) 獲發第 (1) 或 (3) 款所指通知書的每一個人，均須在通知書所指明的日期或該日期前，遵從該通知書的規定。

(5) 即使某項業務或某項業務的分行經已結束——

(a) 任何須就該項業務或該分行(視屬何情況而定)繳付的訂明的商業登記費或訂明的分行登記費或任何徵費，仍須繳付；

deemed to be a person carrying on business under section 2(1A), (Replaced 3 of 1999 s. 7)

to pay by a date specified in the notice the fee prescribed in item 1 of Schedule 1 and the levy; or (Amended 33 of 1994 s. 3)

(b) carrying on business at a branch—

(i) in respect of which he is not in possession of a valid branch registration certificate and for which the fee prescribed in item 2 of Schedule 2 and the levy have not been paid; or (Amended 3 of 1999 s. 7)

(ii) in respect of which a valid branch registration certificate is due to expire and the Commissioner has not received any notification of cessation in respect of such branch under section 8(2), (Replaced 3 of 1999 s. 7)

to pay by a date specified in the notice the fee prescribed in item 2 of Schedule 2 and the levy, (Amended 33 of 1994 s. 3)

except that in the case of a notice under paragraph (a)(ii) or (b)(ii) the date so specified shall be a date not earlier than the day following the date of expiry of the valid business registration certificate or branch registration certificate.

(2) Where on the expiry of—

(a) a business registration certificate issued in respect of a business; or

(b) a branch registration certificate issued in respect of a business carried on at a branch,

no notice under subsection (1)(a)(ii) or (b)(ii) has been received, every person carrying on such business shall so notify the Commissioner in writing within 1 month of such expiry.

(3) The Commissioner may by notice call upon any person who has carried on business, or carried on business at a branch, at any time during the 6 years immediately preceding the issue of the notice without being in possession of a valid business registration certificate or branch registration certificate (as the case may be) in respect of the business or branch, to pay by a date specified in the notice any fee or levy which would have been payable by him had the provisions of this Ordinance been complied with.

(4) Every person to whom a notice under subsection (1) or (3) is addressed shall comply with that notice on or before the date specified in the notice.

(5) Notwithstanding the cessation of a business or of a branch of a business—

(a) any prescribed business registration fee or prescribed branch registration fee or any levy which is payable in respect of the business or the branch, as the case may be, shall remain payable;

- (b) 任何已就該項業務或該分行(視屬何情況而定)繳付的訂明的商業登記費或訂明的分行登記費或任何徵費,不得退回。(由 1999 年第 90 號法律公告及 1999 年第 44 號第 27 條增補)

(由 1992 年第 79 號第 4 條代替)

#### 8. 須予提供的資料

(1) 凡申請登記表格(不論該表格是根據本條例或根據《1952 年商業管制條例》\*(1952 年第 14 號)呈交)內所列業務詳情有任何變更時,任何經營有關業務的人須於該變更發生時起計 1 個月內,以書面將該變更通知局長。

(2) 凡某項業務經已結束,任何在結束前經營該項業務的人須於該項業務結束時起計 1 個月內,以書面將此事通知局長。

(2A) 凡某人在按照《稅務條例》(第 112 章)所呈交的任何報表或其他文件內,就根據第 (1) 或 (2) 款規定須作出通知的任何事宜,向局長作出通知,該通知須視為該人遵從第 (1) 或 (2) 款而作出者。(由 1992 年第 79 號第 5 條增補)

(3) (由 1992 年第 79 號第 5 條廢除)

(4) 為取得充分資料以施行本條例,局長可向任何其覺得能提供資料的人發出書面通知,要求該人——

(a) 提供局長認為需要的詳情;或

(b) 在局長所指定的時間及地點出席,以就該等資料接受訊問。

(5) 在本條中,凡提述任何業務,亦包括提述該業務的分行。(由 1984 年第 56 號第 7 條增補)

#### 9. 小型業務可獲豁免繳費

(1) 局長在接獲按照訂明的方式提出的申請後,如信納有關業務屬以下情況,可豁免經營該業務的人繳付訂明的商業登記費及徵費——(由 1984 年第 56 號第 8 條修訂)

- (b) any prescribed business registration fee or prescribed branch registration fee or any levy which has been paid in respect of the business or the branch, as the case may be, shall not be refunded. (Added L.N. 90 of 1999 and 44 of 1999 s. 27)

(Replaced 79 of 1992 s. 4)

#### 8. Information to be furnished

(1) Where there occurs any change in the particulars of a business as set out in the form of application for registration (whether such form was submitted under this Ordinance or under the Business Regulation Ordinance 1952 (14 of 1952)), any person carrying on such business shall within 1 month of such change notify the Commissioner in writing thereof.

(2) Where a business ceases to be carried on, any person who was carrying on such business shall, within 1 month of the cessation, notify the Commissioner in writing thereof.

(2A) Where a person gives notice to the Commissioner in any return or other document submitted in accordance with the Inland Revenue Ordinance (Cap. 112) of any matter required to be notified under subsection (1) or (2), such notice shall be treated as notification by that person for the purposes of those subsections. (Added 79 of 1992 s. 5)

(3) (Repealed 79 of 1992 s. 5)

(4) To obtain full information for the purposes of this Ordinance, the Commissioner may give notice in writing to any person, appearing to him to be a person able to furnish information, requiring him— (Amended L.N. 374 of 1991)

(a) to supply such particulars as the Commissioner may deem necessary; or

(b) to attend at a time and place to be named by the Commissioner for the purpose of being examined respecting such information.

(5) In this section references to a business include references to a branch of that business. (Added 56 of 1984 s. 7)

#### 9. Exemption from payments of fees for small businesses

(1) Upon application being made to the Commissioner in the manner prescribed, he shall exempt from the payment of the prescribed business registration fee and levy any person carrying on a business which is shown to his satisfaction— (Amended 56 of 1984 s. 8)

\*“《1952 年商業管制條例》”乃“Business Regulation Ordinance 1952”之譯名。

但本段並不適用於根據《公司條例》(第 32 章)在香港成立為法團的公司或《公司條例》(第 32 章)第 XI 部適用的公司；(由 1976 年第 95 號法律公告增補；由 1976 年第 27 號第 4 條增補)

- (d) 庫務局局長藉根據第 14 條訂立的規例所不時准予豁免的其他業務。(由 1999 年第 3 號第 11 條修訂)

#### 17. 上訴

任何人如欲根據第 3(4A)、6(4E) 或 9(5) 條提出上訴——

- (a) 如屬根據第 3(4A) 條提出的上訴，可在局長通知他局長並不信納他並非是在經營業務的通知書送達予他起計的 28 天內；
- (b) 如屬根據第 9(5) 條提出的上訴，可在局長通知他局長不會根據第 9(1) 條批給豁免的通知書送達予他起計的 28 天內；及
- (c) 如屬根據第 6(4E) 條提出的上訴，可在局長要求他申請以另一個不同的名稱登記的通知書送達予他起計的 28 天內，(由 1999 年第 3 號第 12 條增補)

向行政上訴委員會提出上訴。

(由 1994 年第 6 號第 56 條代替。由 1999 年第 3 號第 12 條修訂)

#### ✓ 18. 附表的修訂

- (1) 立法會可藉決議修訂附表 1。(由 1999 年第 12 號第 3 條修訂)
- (2) 財政司司長可藉在憲報刊登命令修訂附表 2。(由 1997 年第 362 號法律公告修訂)

(由 1994 年第 33 號第 6 條代替)

#### 19. 文件的核證及發給

- (1) 在有人提出要求及繳付訂明文件費後，局長須在切實可行的範圍內，盡快核證及向該人發出——(由 1999 年第 3 號第 13 條修訂)

- (a) 有效的商業登記證副本或有效的分行登記證副本；
- (b) 登記冊內任何資料的摘錄。(由 1992 年第 79 號第 8 條代替)

Provided that this paragraph shall not apply to any company which is incorporated in Hong Kong under the Companies Ordinance (Cap. 32) or to which Part XI of the Companies Ordinance (Cap. 32) applies; (Added L.N. 95 of 1976; 27 of 1976 s. 4)

- (d) such other businesses as the Secretary for the Treasury may from time to time exempt by regulation made under section 14. (Amended 3 of 1999 s. 11)

#### 17. Appeals

Any person wishing to appeal under section 3(4A), 6(4E) or 9(5) may—

- (a) in the case of an appeal under section 3(4A), within 28 days of the service on him of the notice in which the Commissioner informs him that the Commissioner is not satisfied that that person is not carrying on business;
- (b) in the case of an appeal under section 9(5), within 28 days of the service on him of the notice in which the Commissioner informs him that the Commissioner will not grant an exemption under section 9(1); and
- (c) in the case of an appeal under section 6(4E), within 28 days of the service on him of the notice in which the Commissioner requests him to make an application for registration under a different name, (Added 3 of 1999 s. 12)

appeal to the Administrative Appeals Board.

(Replaced 6 of 1994 s. 56. Amended 3 of 1999 s. 12)

#### ✓ 18. Amendment of Schedules

- (1) The Legislative Council may by resolution amend Schedule 1.
- (2) The Financial Secretary may by order published in the Gazette amend Schedule 2.

(Replaced 33 of 1994 s. 6)

#### 19. Certification and issue of documents

- (1) The Commissioner shall, upon request by any person and on payment of the prescribed document fee, certify and issue to that person as soon as practicable— (Amended 3 of 1999 s. 13)

- (a) a copy of a valid business registration certificate or a valid branch registration certificate;
- (b) an extract of any information on the register. (Replaced 79 of 1992 s. 8)

- (b) 將通知書以郵遞方式寄往須予送達的人的最後為人所知的營業、居住或其他通訊地址。 (由 1999 年第 3 號第 15 條代替)

## 21. 徵費的撥付

除根據本條例須予作出的徵費退還外，局長須將收取徵費所得的全部款項撥付破產欠薪保障基金。

(由 1985 年第 12 號第 29(1) 條代替)

## ✓ 附表 1

[第 2、7、9 及 18 條]

項	款額	條次
1. 凡在下列時間申請商業登記，或商業登記證的有效期在下列時間開始生效，商業登記或另發商業登記證所須繳付的費用—— (由 1999 年第 3 號第 16 條修訂)		
(a) 1974 年 4 月 1 日前	\$25	7
(b) 1974 年 4 月 1 日或該日後至 1975 年 4 月 1 日前	\$50	7
(c) 1975 年 4 月 1 日或該日後至 1979 年 4 月 1 日前	\$150	7
(d) 1979 年 4 月 1 日或該日後至 1983 年 4 月 1 日前	\$175	7
(e) 1983 年 4 月 1 日或該日後至 1985 年 4 月 1 日前	\$350	7
(f) 1985 年 4 月 1 日或該日後至 1987 年 4 月 1 日前	\$500	7
(g) 1987 年 4 月 1 日或該日後至 1989 年 4 月 1 日前	\$550	7
(h) 1989 年 4 月 1 日或該日後至 1990 年 4 月 1 日前	\$630	7
(i) 1990 年 4 月 1 日或該日後至 1993 年 3 月 1 日前	\$900	7
(j) 1993 年 3 月 1 日或該日後至 1994 年 4 月 1 日前	\$1,000	7
(k) 1994 年 4 月 1 日或該日後至 1999 年 4 月 1 日前	\$2,000	7
(l) 1999 年 4 月 1 日或該日後——		
(i) 如無根據第 6(5C) 條作出選擇	\$2,000	7
(ii) 如有根據第 6(5C) 條作出選擇 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 28 條增補)	\$5,200	7
2. 可獲豁免的業務(新業務或利潤主要得自提供服務的業務除外)的平均銷售總額	\$30,000 (每月計)	9(1)(a)
3. 利潤主要得自提供服務的可獲豁免業務的平均銷售或收入總額	\$10,000 (每月計)	9(1)(b)

(由 1994 年第 33 號第 8 條代替。由 1996 年第 26 號第 3 條修訂)

- (b) by post addressed to the last known business, residential or other correspondence address of the person to be served. (Replaced 3 of 1999 s. 15)

## 21. Payment of levy

The Commissioner shall, subject to any refund of levy to be made under this Ordinance, pay all moneys received from the levy to the Protection of Wages on Insolvency Fund.

(Replaced 12 of 1985 s. 29(1))

## ✓ SCHEDULE 1

[ss. 2, 7, 9 &amp; 18]

Item	Sum	Section
1. Fee payable on registration of business, or issue of further business registration certificate, where application for registration is made or certificate commences— (Amended 3 of 1999 s. 16)		
(a) before 1 April 1974	\$25	7
(b) on or after 1 April 1974 and before 1 April 1975	\$50	7
(c) on or after 1 April 1975 and before 1 April 1979	\$150	7
(d) on or after 1 April 1979 and before 1 April 1983	\$175	7
(e) on or after 1 April 1983 and before 1 April 1985	\$350	7
(f) on or after 1 April 1985 and before 1 April 1987	\$500	7
(g) on or after 1 April 1987 and before 1 April 1989	\$550	7
(h) on or after 1 April 1989 and before 1 April 1990	\$630	7
(i) on or after 1 April 1990 and before 1 March 1993	\$900	7
(j) on or after 1 March 1993 and before 1 April 1994	\$1,000	7
(k) on or after 1 April 1994 and before 1 April 1999	\$2,000	7
(Amended 44 of 1999 s. 28)		
(l) on or after 1 April 1999—		
(i) where no election is made under section 6(5C)	\$2,000	7
(ii) where an election is made under section 6(5C)	\$5,200	7
(Added L.N. 90 of 1999 and 44 of 1999 s. 28)		
2. Average of total sales to exempt a business other than a new business, or a business whose profits derive primarily from the sale of services	\$30,000 per month	9(1)(a)
3. Average of total sales or receipts to exempt a business whose profits derive primarily from the sale of services	\$10,000 per month	9(1)(b)

(Replaced 33 of 1994 s. 8. Amended 26 of 1996 s. 3)

附表2		[第2、7、11及18條]	
項	款額	條次	
1. 因未繳付以下費用的全數而附加的罰款——			
(a) 訂明的分行登記費及徵費——			
(i) 如無根據第 6(5C) 條作出選擇	\$71	11(1)	
(ii) 如有根據第 6(5C) 條作出選擇 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 29 條修訂)	\$213	11(1)	
(b) 訂明的商業登記費及徵費——			
(i) 如無根據第 6(5C) 條作出選擇	\$300	11(1)	
(ii) 如有根據第 6(5C) 條作出選擇 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 29 條修訂)	\$900	11(1)	
2. 凡在《1984 年商業登記(修訂)條例》* (1984 年第 56 號) 開始實施之日或該日後申請分行登記或分行登記證開始生效，分行登記或另發分行登記證所須繳付的費用——			
(a) 如無根據第 6(5C) 條作出選擇	\$73	7	
(b) 如有根據第 6(5C) 條作出選擇 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 29 條修訂)	\$189	7	
3. 須就商業或分行登記，另發商業登記證或另發分行登記證繳付的徵費——			
(a) 如無根據第 6(5C) 條作出選擇	\$250	7	
(b) 如有根據第 6(5C) 條作出選擇 (由 1999 年第 90 號法律公告及 1999 年第 44 號第 29 條代替)	\$750	7	
(由 1994 年第 33 號第 8 條增補。由 1995 年第 57 號法律公告修訂；由 1999 年第 3 號第 17 條修訂；由 1999 年第 90 號法律公告及 1999 年第 44 號第 29 條修訂)			

\* “《1984年商業登記(修訂)條例》”乃“Business Registration (Amendment) Ordinance 1984”之譯名。

SCHEDULE 2		[ss. 2, 7, 11 & 18]	
Item	Sum	Section	
1. Penalty to be added where full payment has not been received in respect of—			
(a) a prescribed branch registration fee and levy—			
(i) where no election is made under section 6(5C)	\$71		11(1)
(ii) where an election is made under section 6(5C)	\$213		11(1)
<i>(Amended L.N. 90 of 1999 and 44 of 1999 s. 29)</i>			
(b) a prescribed business registration fee and levy—			
(i) where no election is made under section 6(5C)	\$300		11(1)
(ii) where an election is made under section 6(5C)	\$900		11(1)
<i>(Amended L.N. 90 of 1999 and 44 of 1999 s. 29)</i>			
2. Fee payable on registration of branch, or issue of further branch registration certificate, where application for registration is made or certificate commences on or after the coming into operation of the Business Registration (Amendment) Ordinance 1984 (56 of 1984)—			
(a) where no election is made under section 6(5C)	\$73		7
(b) where an election is made under section 6(5C)	\$189		7
<i>(Amended L.N. 90 of 1999 and 44 of 1999 s. 29)</i>			
3. Levy payable on registration of business or branch, issue of further business registration certificate or issue of further branch registration certificate—			
(a) where no election is made under section 6(5C)	\$250		7
(b) where an election is made under section 6(5C)	\$750		7
<i>(Replaced L.N. 90 of 1999 and 44 of 1999 s. 29)</i>			
<i>(Added 33 of 1994 s. 8. Amended L.N. 57 of 1995; 3 of 1999 s. 17; L.N. 90 of 1999 and 44 of 1999 s. 29)</i>			

“sewage charge” (排污費) means a charge imposed under section 3(1);  
 “trade effluent” (工商業污水) 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” (工商業污水附加費) means a trade effluent surcharge imposed under section 4;  
 “wastewater” (廢水) means water that is directly or indirectly used in or generated by human activity;  
 “Water Authority” (水務監督) means the Director of Water Supplies.

### 3. Sewage charges

(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.

### 4. Payment of trade effluent surcharges

(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

“代理人” (agent) 的涵義與《水務設施條例》(第 102 章) 中該詞的涵義相同；  
 “住宅污水” (domestic sewage) 指在住用處所或在工作地方使用廁所、水廁、浴缸、淋浴器、洗滌盆、洗臉盆或其他衛生設備所產生的一類某一數量的廢料；  
 “排水事務監督” (Drainage Authority) 指渠務署署長或獲其授權的代表；  
 “排污費” (sewage charge) 指根據第 3(1) 條所徵收的費用；  
 “廢水” (wastewater) 指人類活動所直接或間接使用或產生的水。

### 3. 排污費

(1) 任何用戶的處所如直接或間接接駁屬於政府並由政府維修的公用排水渠或公用下水道，以便將廢水從該處所排出，該用戶須向政府繳付以水務監督供應該處所的水的水量為依據，而按訂明的收費率計算的排污費（供應專用以沖廁的水除外）。

(2) 儘管有第 (1) 款的規定，凡《Waterworks Regulations》(第 102 章，附屬法例) 規定不就某訂明水量的供應予住宅用途的水收費，則無須就提供作該等用途的該等水繳付排污費。

(3) 儘管有第 (1) 款的規定，規例可規定，凡處所是用作訂明行業、業務或製造業用途的，第 (1) 款所規定的費用，須以水務監督供應該處所的水的水量的訂明百分率為計算費用依據（供應專用以沖廁的水除外）。

(4) 有關用戶或代理人（視屬何情況而定）須獲發排污費的繳費單，而有關用戶或代理人在繳付《水務設施條例》(第 102 章) 所規定的費用的同時亦須繳付排污費，而該條例第 10(a)、19(4)(c)、21 及 34(2) 及 (3) 條均適用於未繳付的排污費，猶如該筆排污費是根據該條例徵收的一樣。

(5) 凡任何用戶或代理人須繳付排污費，水務監督可提高《水務設施條例》(第 102 章) 第 19(1) 條所規定的按金額。

### 4. 工商業污水附加費的繳付

(1) 凡任何用戶的處所直接或間接接駁屬於政府並由政府維修的公用排水渠或公用下水道，而將所產生的工商業污水排放於該公用排水渠或該公用下水道，該用戶除

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

須向政府繳付排污費外，亦須繳付由行政長官會同行政會議訂明的工商業污水附加費；但設有公用供水系統的，則須由代理人向政府繳付。（由 2000 年第 34 號第 3 條修訂）

(2) 排水事務監督須發出工商業污水附加費的繳費單，而有關用戶或代理人須在該繳費單上所指明的日期或之前繳費。

(3) 凡任何用戶或代理人未在指明時間內繳付工商業污水附加費，排水事務監督可通知水務監督該工商業污水附加費仍未繳付，而水務監督在接獲上述通知後，可行使其根據《水務設施條例》(第 102 章) 第 10(a) 條所賦予的權力，猶如該筆工商業污水附加費是根據該條例徵收的費用一樣。

(4) 排水事務監督可規定本條所適用的用戶或代理人須繳付按金，用以償付任何可能到期應付的工商業污水附加費，而本條所指的按金是第 3 條所規定的任何按金以外的按金。

(5) 凡任何用戶或代理人未在規定繳付按金的通知書上所指明的繳付時間內繳付按金，則排水事務監督可將未收到按金一事通知水務監督，而水務監督在接獲上述通知後，可行使其根據《水務設施條例》(第 102 章) 第 19(2) 條所賦予的權力，猶如該筆按金是沒有根據該條例繳付的按金一樣。

(6) 根據本條繳付的按金——

- (a) 不衍生利息；
- (b) 不得轉名；及
- (c) 可在不影響根據本條例行使任何其他權力的情況下，由排水事務監督隨時用以支付任何工商業污水附加費。

(7) 除第 (6)(c) 款另有規定外，如有下列情況，排水事務監督須將按金退還用戶或代理人——

- (a) 水務監督批准由另一用戶或代理人取代該用戶或代理人；
- (b) 該用戶或代理人根據《水務設施條例》(第 102 章) 第 7 條就繳付該條例下的費用所作的保證遭水務監督取消；或
- (c) 排水事務監督認為不再需要按金。

(8) 凡一向依據其所屬規例所訂明的某類別繳付工商業污水附加費的任何用戶，其後改變該工商業污水附加費所涉的行業、業務或製造業類別，因而使他轉屬規例所



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.

#### 5. Liability for sewage charges and trade effluent surcharges

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).

#### 6. Unpaid trade effluent surcharges

(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.

#### 7. Recovery of charges arising from false statements or withholding information

Where a consumer—

- (a) fails to supply required information;
- (b) fails to notify the Drainage Authority as required under section 4(8);

訂明的另一類別，則該行業、業務或製造業類別一經改變，他須在切實可行範圍內盡快將該項改變通知排水事務監督，向其提供該項改變的詳細資料，而該等資料須足以使排水事務監督為計算所須繳付的費用而能夠識別有關類別的改變。

(9) 任何人未有依照第(8)款的規定將改變用途通知排水事務監督，即屬犯罪，一經定罪，可處第6級罰款。

#### 5. 繳付排污費及工商業污水附加費的責任

凡根據第3條須繳付排污費或根據第4條須繳付工商業污水附加費的用戶或代理人(視屬何情況而定)，須持續負此責任，直至——

- (a) 水務監督批准由另一用戶或代理人取代該用戶或代理人為止；或
- (b) 該用戶或代理人根據《水務設施條例》(第102章)第7條就繳付該條例下的費用所作的保證遭水務監督取消為止，

而其持續負繳費責任不受以下情況影響——

- (i) 該用戶或代理人終止佔用有關處所；
- (ii) 該用戶或代理人終止對該處所或其任何部分的管理所負的責任；或
- (iii) 水務監督行使《水務設施條例》(第102章)第8、9、10或19(2)條下的權力。

#### 6. 未繳付的工商業污水附加費

(1) 任何工商業污水附加費如未繳付，即屬拖欠政府的債項。

(2) 凡未在繳款通知書上指明的日期當日或之前繳付工商業污水附加費，可按照根據本條例所訂立的規例徵收罰款。

#### 7. 因提供虛假陳述或不提供資料而追討費用

凡任何用戶——

- (a) 未有提供所須提供的資料；
- (b) 未有按第4(8)條的規定通知排水事務監督；

(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.

### 7. Presumptions and evidence in writing

(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.

### 8. Reduction, etc. of charges

(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;

(c) 提供他明知或理應知道在要項上屬虛假的資料，則該用戶須繳付因該等行動而致欠繳的排污費或工商業污水附加費，而該筆欠繳的排污費或工商業污水附加費，可作為拖欠政府的債項而予以追討。

### 8. 推定及書面證據

(1) 在任何民事法律程序中，凡看來是由排水事務監督簽署的文件，述明在追討未繳付的工商業污水附加費的法律程序中——

- (a) 須繳付工商業污水附加費的人的姓名或名稱；
- (b) 該筆工商業污水附加費的款額；
- (c) 該筆工商業污水附加費的性質及其他詳情；及
- (d) 該筆工商業污水附加費仍未繳付，

則該文件須獲接納為證據而無須再加證明。

(2) 在向法庭出示第(1)款所述的文件時——

- (a) 該法庭在無相反證據的情況下，須推定——
  - (i) 該文件是在排水事務監督在該文件內所指明的時間及地點簽署的；
  - (ii) 該文件內所述明的事實是真確的；及
  - (iii) 該文件內所述明的事實記錄是在該文件內所述的時間作出及編製；及
- (b) 該文件須為該文件內所有其他事宜的證據。

(3) 凡有任何文件根據第(1)款出示及獲接納為證據，法庭如認為適當，可自行或應有關法律程序的任何一方的申請，傳召簽署該文件的人，及就該文件的標的訊問該人。

### 9. 費用的減收等

(1) 凡排水事務監督信納有下列情況，他可就所涉個案減收、免收或退還全部或部分排污費或工商業污水附加費——

- (a) 行業、業務或製造業類別有所改變；
- (b) 有關處所並非接駁屬於政府並由政府維修的公用排水渠或公用下水道；
- (c) 水管漏水，或耗水量記錄有錯誤；

(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.

#### 10. Access to premises by Drainage Authority

(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.

(d) 該就其徵收排污費或工商業污水附加費的處所是用作工業、商業、康樂或農業用途，而用戶已向排水事務監督顯示並已令其信納，排放於公用排水渠或公用下水道的的水量，不多於據以計算該等排污費或工商業污水附加費（視屬何情況而定）的水的水量。

(2) 除非用戶或代理人（視屬何情況而定）在有關申請所涉及的繳費通知書的發出日期之後的一個月內向排水事務監督提交申請，而該項申請有足夠證據使排水事務監督得以作出決定，否則不得批准純粹就排污費面作出的減收、免收或退還。（由 1996 年第 391 號法律公告修訂）

(3) 凡水務監督行使他在《水務設施條例》（第 102 章）第 22 條下的權力並減收、免收或退還任何水費（供應專用以沖廁的水的水費除外）的全部或部分，排水事務監督須在用戶或代理人沒有提出申請的情況下，減收、免收或退還有關的排污費或工商業污水附加費（如有的話），以令該等排污費或附加費，足以水務監督實際就其徵收水費的水量為計算依據。

#### 10. 排水事務監督進入處所的權力

(1) 在符合第 (2) 款的規定下，排水事務監督可在任何合理時間為以下目的進入用戶的處所——

- (a) 為了對釐定排污費及工商業污水附加費的收費率的所需資料進行核實；及
- (b) 量度排放於公用排水渠或公用下水道的廢水的水量或收集如此排放的廢水的樣本。

(2) 除非處所佔用人同意，否則排水事務監督不得進入住宅處所。

(3) 凡排水事務監督在用戶的處所留下用以量度廢水的水量或收集廢水的樣本的設備，任何人均不得干擾該等設備。

(4) 任何人——

- (a) 妨礙排水事務監督行使本條所賦予的權力；或
- (b) 違反第 (3) 款的規定而干擾有關設備，

即屬犯罪，一經定罪，可處第 3 級罰款。

SEWAGE SERVICES (SEWAGE CHARGE) REGULATION

(Cap. 463, section 12)

[1 April 1995]

1. (*Omitted as spent*)

2. **Sewage charges**

(1) Subject to subsection (2), for the purposes of section 3(1) of the Ordinance, the prescribed rate shall be \$1.20 per cubic metre of water supplied, other than water supplied specifically for flushing purposes.

(2) For a trade, business or manufacture listed in the Schedule, the amount charged under section 3(1) of the Ordinance shall be equal to 70% of the volume of water supplied, other than water supplied specifically for flushing purposes, multiplied by the rate prescribed under this section. (*L.N. 143 of 1995*)

3. **Reduction of sewage charge by Drainage Authority**

For the purposes of section 9(1)(d) of the Ordinance, no sewage charge shall be reduced, waived or refunded unless the volume of wastewater being discharged into a communal drain or communal sewer is not more than 85% of the volume of water on which the sewage charge is based.

4. **Transitional**

Sewage charges shall not be collected in respect of water supplied during a billing period under the Waterworks Ordinance (Cap. 102) which period commenced before the day the Sewage Services Ordinance (Cap. 463) comes into operation.

污水處理服務 (排污費) 規例

(第 463 章第 12 條)

[1995 年 4 月 1 日]

1. (*已失時效而略去*)

2. **排污費**

(1) 除第 (2) 款另有規定外，為本條例第 3(1) 條的施行而訂明的收費率為：每立方米供水量 (供應專用以沖廁的水除外) 收費 \$1.20。

(2) 就附表所列行業、業務或製造業而言，根據本條例第 3(1) 條徵收的款額，須相等於所供應的水 (供應專用以沖廁的水除外) 的水量的 70% 乘以根據本條訂明的收費率所得之數。 (*1995 年第 143 號法律公告*)

3. **排水事務監督減收排污費**

為施行本條例第 9(1)(d) 條，除非排放於公用排水渠或公用下水道的廢水量不超過據以計算排污費的水量的 85%，否則不得減收、免收或退還排污費。

4. **過渡性條文**

凡在《水務設施條例》(第 102 章) 下的發單收費期間是在《污水處理服務條例》(第 463 章) 實施日期之前開始的，則不得就於該期間內供應的水收取排污費。

[Subsidiary]

SCHEDULE

[s. 2(2)]

TRADE, BUSINESS OR MANUFACTURE

1. bleaching and dyeing of garments
2. bleaching and dyeing of knitted fabric
3. bleaching and dyeing of woven fabric
4. bleaching and dyeing of yarn
5. knit outerwear
6. soft drinks and carbonated waters industries
7. breweries and manufacture of malt liquor
8. distilling, rectifying and blending spirits
9. restaurants
10. ice-making industry

[附屬法例]

附表

[第 2(2)條]

行業、業務或製造業

1. 成衣漂染
2. 針織布漂染
3. 梭織布漂染
4. 紗線漂染
5. 針織外衣
6. 汽水及碳酸化飲品工業
7. 啤酒及麥芽酒釀造
8. 蒸餾、精餾及混合酒精
9. 餐館業
10. 製冰業

SEWAGE SERVICES (TRADE EFFLUENT  
SURCHARGE) REGULATION

(Cap. 463, section 12)

[1 April 1995]

1. (Omitted as spent)

2. Interpretation

In this Regulation—

“COD” (化學需氧量) means Chemical Oxygen Demand;

“COD<sub>s</sub>” (化學需氧量<sub>(沉澱)</sub>) means Chemical Oxygen Demand-Settled which is a measurement of the oxygen demand of the water soluble portion of a sample of trade effluent after gravity separation of the nonsoluble portions by the sample being left sitting still for 60 minutes;

“COD<sub>t</sub>” (化學需氧量<sub>(總數)</sub>) means Chemical Oxygen Demand-Total which is a measurement of the oxygen demand of a total sample of trade effluent without allowing the time necessary to allow gravity separation of the sample;

“strength of domestic sewage” (住宅污水濃度) means sewage where COD<sub>t</sub> equals 500g/m<sup>3</sup> and COD<sub>t</sub>-COD<sub>s</sub> equals 150g/m<sup>3</sup>;

“water control zone” (水質管制區) means any part of Hong Kong declared to be a water control zone under section 4 of the Water Pollution Control Ordinance (Cap. 358).

3. Trade effluent surcharge rates

(1) Subject to subsection (2) and section 4, a consumer or agent who is liable to pay a trade effluent surcharge under section 4 of the Ordinance shall, where the premises to which the surcharge relates produce trade effluent in the course of a trade, business or manufacture listed in column 2 of Schedule 1, pay a surcharge—

- (a) where the premises are located in a water control zone, at the rate specified in column 3 of Schedule 1; or
- (b) where the premises are located outside a water control zone, at the rate specified in column 4 of Schedule 1,

污水處理服務 (工商業污水附加費) 規例

(第 463 章第 12 條)

[1995 年 4 月 1 日]

1. (已失時效而略去)

2. 釋義

本規例中——

“水質管制區” (water control zone) 指已根據《水污染管制條例》(第 358 章) 第 4 條宣布為水質管制區的香港境內任何部分;

“化學需氧量” (COD) 指化學方式氧氣需求量;

“化學需氧量<sub>(沉澱)</sub>” (COD<sub>s</sub>) 指將一個工商業污水樣本在靜止狀態下放置 60 分鐘以待其非水溶性部分沉澱分離後, 所量度得到的其水溶性部分的氧氣需求量;

“化學需氧量<sub>(總數)</sub>” (COD<sub>t</sub>) 指對一個沒有經過沉澱分離過程的工商業污水總體樣本所量度得到的氧氣需求量;

“住宅污水濃度” (strength of domestic sewage) 指污水的化學需氧量<sub>(總數)</sub>相等於每立方米 500 克和化學需氧量<sub>(總數)</sub>與化學需氧量<sub>(沉澱)</sub>的差值相等於每立方米 150 克的污水濃度。

3. 工商業污水附加費率

(1) 除第 (2) 款及第 4 條另有規定外, 如工商業污水附加費所關乎的處所在附表 1 第 2 欄所列行業、業務或製造業的過程中產生工商業污水, 根據本條例第 4 條須繳付該項附加費的用戶或代理人, 須按水務監督所供應的水 (供應專用以沖廁的水除外) 的水量, 繳付附加費如下——

- (a) 如該處所是在水質管制區內, 須按附表 1 第 3 欄所指以每立方米供水量計的收費率繳付附加費; 或
- (b) 如該處所是在水質管制區外, 須按附表 1 第 4 欄所指以每立方米供水量計的收費率繳付附加費。

[Subsidiary]

for each cubic metre of water supplied by the Water Authority, other than water supplied specifically for flushing purposes.

(2) For a trade, business or manufacture listed in Schedule 3, the amount of the trade effluent surcharge determined under this section or section 4, as the case may be, shall be equal to 80% of the volume of water supplied, other than water supplied specifically for flushing purposes, multiplied by the applicable rate.

#### 4. Variation of trade effluent surcharge rate

(1) Where a consumer or agent believes that—

- (a) the COD<sub>s</sub> of trade effluent discharged from his premises is less than the COD<sub>s</sub> specified in column 4 of Schedule 2 for the relevant trade, business or manufacture; or
- (b) the difference between the COD<sub>i</sub> and the COD<sub>s</sub> of trade effluent discharged from his premises is less than the difference between the COD<sub>i</sub> specified in column 3 and the COD<sub>s</sub> specified in column 4 of Schedule 2 for the relevant trade, business or manufacture,

he may, at his own expense, have his trade effluent tested by an approved laboratory in accordance with the technical memorandum issued by the Secretary for Works and submit the results to the Drainage Authority together with any other relevant information that the Drainage Authority requires.

(2) Where the Drainage Authority is satisfied that the COD<sub>s</sub> is less than the COD<sub>s</sub> in column 4 of Schedule 2 for the relevant trade, business or manufacture or the difference between the COD<sub>i</sub> and the COD<sub>s</sub> is less than the difference between the COD<sub>i</sub> in column 3 and the COD<sub>s</sub> in column 4 of Schedule 2 for the relevant trade, business or manufacture, he shall determine a new trade effluent surcharge rate using the applicable matrix in Part I or II of Schedule 4.<sup>3</sup>

(3) A trade effluent surcharge rate determined under subsection (2) shall take effect from the beginning of the billing period during which such determination was made and shall be in effect for 1 year at which time the rate established under section 3 shall apply subject to the consumer or agent having further tests done under subsection (1) and the Drainage Authority making another determination under this section.

(4) Where tests performed under this section show that trade effluent being discharged is equal in strength to, or less in strength than, the strength of domestic sewage, the Drainage Authority shall not impose a trade effluent surcharge for a period of 1 year in accordance with subsection (3).

[附屬法例]

(2) 就附表 3 所列行業、業務或製造業而言，根據本條或第 4 條 (視屬何情況而定) 所釐定的工商業污水附加費額，須相等於所供應的水 (供應專用以沖廁的水除外) 的水量的 80% 乘以適用收費率所得之數。

#### ✓ 4. 工商業污水附加費率的更改

(1) 凡用戶或代理人相信——

- (a) 從其處所排放的工商業污水的化學需氧量<sub>(沉澱)</sub>，低於附表 2 就有關行業、業務或製造業在第 4 欄所指明的化學需氧量<sub>(沉澱)</sub>；或
- (b) 從其處所排放的工商業污水的化學需氧量<sub>(總數)</sub>與化學需氧量<sub>(沉澱)</sub>的差值，低於附表 2 就有關行業、業務或製造業在第 3 欄所指明的化學需氧量<sub>(總數)</sub>與在第 4 欄所指明的化學需氧量<sub>(沉澱)</sub>的差值，

他可自費由一間認可化驗所按照工務局局長發出的技術備忘錄化驗其工商業污水，並將化驗結果連同排水事務監督所規定的任何其他有關資料，向排水事務監督呈交。  
(1997 年第 362 號法律公告)

(2) 凡排水事務監督信納化學需氧量<sub>(沉澱)</sub>低於附表 2 就有關行業、業務或製造業在第 4 欄所示的化學需氧量<sub>(沉澱)</sub>，或信納化學需氧量<sub>(總數)</sub>與化學需氧量<sub>(沉澱)</sub>的差值，低於附表 2 就有關行業、業務或製造業在第 3 欄所示的化學需氧量<sub>(總數)</sub>與在第 4 欄所示的化學需氧量<sub>(沉澱)</sub>的差值，他須用附表 4 第 I 或 II 部內適用的矩陣，釐定新的工商業污水附加費率。

(3) 凡排水事務監督在某發單收費期間內根據第 (2) 款釐定工商業污水附加費率，該附加費率須自該期間開始時生效，並須在 1 年內有效，而根據第 3 條所定的收費率在該段有效期內適用，除非用戶或代理人根據第 (1) 款作進一步化驗及排水事務監督根據本條另作釐定。

(4) 凡根據本條進行的化驗顯示，所排放的工商業污水的濃度相等於或低於住宅污水的濃度，則排水事務監督不得按照第 (3) 款在 1 年內收取工商業污水附加費。

**5. Reduction of trade effluent surcharge  
by Drainage Authority**

For the purposes of section 9(1)(d) of the Ordinance, no trade effluent surcharge shall be reduced, waived or refunded unless the volume of wastewater being discharged into a communal drain or communal sewer is not more than 85% of the volume of water on which the trade effluent surcharge is based.

**6. Financial penalties for unpaid trade effluent surcharges**

(1) Where a consumer or agent fails to pay trade effluent surcharges on or before the date specified for payment, the Drainage Authority may add a late payment penalty equal to 5% of the unpaid amount.

(2) Where an amount referred to in subsection (1) remains unpaid 6 months after the date specified for payment, the Drainage Authority may add an additional late payment penalty equal to 10% of the total amount owing.

**7. Notification of incorrect category of use**

(1) Where a consumer or agent receives a bill for trade effluent surcharges and the bill states that the trade effluent surcharges are based on a trade, business or manufacture that is incorrect, the consumer or agent shall, not more than 30 days after the date the bill was issued, notify the Drainage Authority that it is incorrect and advise the Drainage Authority of the correct trade, business or manufacture or, if he does not know the correct trade, business or manufacture, supply sufficient information on the use of the premises so that the Drainage Authority can determine the correct trade, business or manufacture.

(2) A person who fails to notify the Drainage Authority and supply the required information under subsection (1), or supplies false information, commits an offence and is liable on conviction to a fine at level 6.

**8. Transitional**

Trade effluent surcharges shall not be collected in respect of water supplied during a billing period under the Waterworks Ordinance (Cap. 102) which period commenced before the day the Sewage Services Ordinance (Cap. 463) comes into operation.

**5. 排水事務監督減收工商業污水附加費**

為施行本條例第 9(1)(d) 條，除非排放於公用排水渠或公用下水道的廢水量不超過據以計算排污費的水量的 85%，否則不得減收、免收或退還工商業污水附加費。

**6. 對不繳付工商業污水附加費者徵收罰款**

(1) 凡用戶或代理人不在指明繳費日期或之前繳付工商業污水附加費，排水事務監督可加收相等於未繳付款額的 5% 的遲繳罰款。

(2) 凡第 (1) 款提及的款額在指明繳費日期後 6 個月仍未繳付，排水事務監督可加收相等於總欠款額 10% 的額外遲繳罰款。

**7. 就用途類別不正確而須給予的通知**

(1) 凡任何用戶或代理人接獲工商業污水附加費的繳費單，而該繳費單述明工商業污水附加費是依據某行業、業務或製造業而徵收的，而若所述的行業、業務或製造業類別並不正確，該用戶或代理人須在該繳費單發出日期後 30 日內，將該項錯誤通知排水事務監督，及告知排水事務監督正確的行業、業務或製造業類別；如該用戶或代理人不知道正確的行業、業務或製造業類別，則須提供該處用途的足夠資料，以便排水事務監督能決定正確的行業、業務或製造業類別。

(2) 任何人根據第 (1) 款通知排水事務監督及提供所規定的資料，或提供虛假的資料，即屬犯罪，一經定罪，可處第 6 級罰款。

**8. 過渡性條文**

凡在《水務設施條例》(第 102 章) 下的發單收費期間是在《污水處理服務條例》(第 463 章) 實施日期之前開始的，則不得就於該期間內供應的水收取附加費。



[Subsidiary]			
SCHEDULE 1		[s. 3]	
Item	Trade, business or manufacture	Rate for premises located in a water control zone	Rate for premises located outside a water control zone
		\$/m <sup>3</sup>	\$/m <sup>3</sup>
1.	yarn sizing	3.78	10.67
2.	washing new garments, excluding laundries	0.82	0.82
3.	bleaching and dyeing of garments	0.64	0.64
4.	bleaching and dyeing of knitted fabric	1.01	1.01
5.	bleaching and dyeing of woven fabric	1.73	1.73
6.	textile stencilling and printing	1.32	1.32
7.	knit outerwear	1.01	1.01
8.	wearing apparel other than knit outerwear	1.80	1.80
9.	spinning cotton	0.34	0.34
10.	laundries	0.60	0.60
11.	soap and cleaning preparations, perfumes, cosmetics	3.78	16.05
12.	medicines	3.78	4.98
13.	paints, varnishes and lacquers	1.16	1.16
14.	basic industrial chemicals	3.78	4.02
15.	tanneries and leather finishing	2.56	2.56
16.	pulp, paper and paperboard	4.09	4.09
17.	soft drinks and carbonated waters industries	1.49	1.49
18.	breweries and manufacture of malt liquor	3.29	3.29
19.	distilling, rectifying and blending spirits	0.11	0.11
20.	cocoa, chocolate and sugar confectionery	3.78	4.26
21.	vermicelli, noodles, and similar farinaceous products	3.29	5.16
22.	bakery products	3.29	5.16
23.	grain mill products	5.98	9.54
24.	vegetable oil, peanut oil, peppermint oil and aniseed oil	3.78	19.55
25.	canning, preserving and processing of fish and crustaceans	1.73	1.73
26.	canning and preserving fruit and vegetables	3.63	3.63
27.	dairy products	3.78	9.15
28.	slaughtering, preparing and preserving meat	3.78	9.01
29.	soy and other sauces	3.78	8.38
30.	restaurants	3.78	9.12

[附屬法例]			
附表 1		[第 3 條]	
項	行業、業務或製造業	在水質管制區內的處所的收費率	在水質管制區外的處所的收費率
		\$ / 立方米	\$ / 立方米
1.	紗上漿	3.78	10.67
2.	新成衣清洗 (不包括洗衣業務)	0.82	0.82
3.	成衣漂染	0.64	0.64
4.	針織布漂染	1.01	1.01
5.	梭織布漂染	1.73	1.73
6.	紡織製網及印花	1.32	1.32
7.	針織外衣	1.01	1.01
8.	不包括針織外衣的穿戴服飾	1.80	1.80
9.	棉紡	0.34	0.34
10.	洗衣業務	0.60	0.60
11.	肥皂和清潔用品、香水、化粧品	3.78	16.05
12.	藥物	3.78	4.98
13.	油漆、單光漆及塗漆	1.16	1.16
14.	基本工業化學物	3.78	4.02
15.	鞣製及皮革製品整理	2.56	2.56
16.	紙漿、紙張及紙板	4.09	4.09
17.	汽水及碳酸化飲品工業	1.49	1.49
18.	啤酒及麥芽酒釀造	3.29	3.29
19.	蒸餾、精餾及混合酒精	0.11	0.11
20.	可可、巧克力和糖果	3.78	4.26
21.	粉麵和類似的米粉或麵粉製品	3.29	5.16
22.	麵包製品	3.29	5.16
23.	穀物碾磨製品	5.98	9.54
24.	菜油、花生油、薄荷油及大茴香子油	3.78	19.55
25.	魚類和介殼類的裝罐、醃製和加工	1.73	1.73
26.	水果和蔬菜的裝罐和醃製	3.63	3.63
27.	乳類製品	3.78	9.15
28.	屠宰、調製及醃製肉類	3.78	9.01
29.	醬油和其他調味料	3.78	8.38
30.	餐館業	3.78	9.12

CAP. 463 Sewage Services (Trade Effluent  
Surcharge) Regulation

[Subsidiary]			
SCHEDULE 2		[s. 4]	
Item	Trade, business or manufacture	COD <sub>i</sub> g/m <sup>3</sup>	COD <sub>d</sub> g/m <sup>3</sup>
1.	yarn sizing	5 160	4 436
2.	washing new garments, excluding laundries	660	330
3.	bleaching and dyeing of garments	730	635
4.	bleaching and dyeing of knitted fabric	980	837
5.	bleaching and dyeing of woven fabric	1 290	1 090
6.	textile stencilling and printing	890	404
7.	knit outerwear	1 051	935
8.	wearing apparel other than knit outerwear	990	476
9.	spinning cotton	570	541
10.	laundries	725	425
11.	soap and cleaning preparations, perfumes, cosmetics	7 805	7 453
12.	medicines	2 910	2 482
13.	paints, varnishes and lacquers	1 000	619
14.	basic industrial chemicals	2 500	2 262
15.	tanneries and leather finishing	1 755	1 436
16.	pulp, paper and paperboard	1 870	947
17.	soft drinks and carbonated waters industries	1 200	914
18.	breweries and manufacture of malt liquor	1 780	1 304
19.	distilling, rectifying and blending spirits	580	485
20.	cocoa, chocolate and sugar confectionery	2 500	2 214
21.	vermicelli, noodles, and similar farinaceous products	2 500	1 548
22.	bakery products	2 500	1 548
23.	grain mill products	2 860	680
24.	vegetable oil, peanut oil, peppermint oil and aniseed oil	7 600	5 315
25.	canning, preserving and processing of fish and crustaceans	1 495	1 257
26.	canning and preserving fruit and vegetables	1 990	1 628
27.	dairy products	3 960	3 084
28.	slaughtering, preparing and preserving meat	3 870	2 823
29.	soy and other sauces	3 900	3 243
30.	restaurants	3 600	2 315

第 463 章 污水處理服務 (工商業污水附加費) 規例

[附屬法例]			
附表 2		[第 4 條]	
項	行業、業務或製造業	化學需 氧量 <sub>i</sub> (g/m <sup>3</sup> )	化學需 氧量 <sub>d</sub> (g/m <sup>3</sup> )
1.	紗上漿	5 160	4 436
2.	新成衣清洗 (不包括洗衣業務)	660	330
3.	成衣漂染	730	635
4.	針織布漂染	980	837
5.	梭織布漂染	1 290	1 090
6.	紡織製網及印花	890	404
7.	針織外衣	1 051	935
8.	不包括針織外衣的穿戴服飾	990	476
9.	棉紡	570	541
10.	洗衣業務	725	425
11.	肥皂和清潔用品、香水、化粧品	7 805	7 453
12.	藥物	2 910	2 482
13.	油漆、單光漆及塗漆	1 000	619
14.	基本工業化學物	2 500	2 262
15.	鞣製及皮革製品整理	1 755	1 436
16.	紙漿、紙張及紙板	1 870	947
17.	汽水及碳酸化飲品工業	1 200	914
18.	啤酒及麥芽酒釀造	1 780	1 304
19.	蒸餾、精餾及混合酒精	580	485
20.	可可、巧克力和糖果	2 500	2 214
21.	粉麵和類似的米粉或麵粉製品	2 500	1 548
22.	麵包製品	2 500	1 548
23.	穀物碾磨製品	2 860	680
24.	菜油、花生油、薄荷油及大茴香子油	7 600	5 315
25.	魚類和介殼類的裝罐、醃製和加工	1 495	1 257
26.	水果和蔬菜的裝罐和醃製	1 990	1 628
27.	乳類製品	3 960	3 084
28.	屠宰、調製及醃製肉類	3 870	2 823
29.	醬油和其他調味料	3 900	3 243
30.	餐館業	3 600	2 315

[Subsidiary]

SCHEDULE 3

[s. 3]

Trade, Business or Manufacture

1. bleaching and dyeing of garments
2. bleaching and dyeing of knitted fabric
3. bleaching and dyeing of woven fabric
4. knit outerwear
5. soft drinks and carbonated waters industries
6. breweries and manufacture of malt liquor
7. distilling, rectifying and blending spirits
8. restaurants

[附屬法例]

附表 3

[第 3 條]

行業、業務或製造業

1. 成衣漂染
2. 針織布漂染
3. 梭織布漂染
4. 針織外衣
5. 汽水及碳酸化飲品工業
6. 啤酒及麥芽酒釀造
7. 蒸餾、精餾及混合酒精
8. 餐館業

化學需氧量(沉澱)  
(克/立方米)

【附屬法例】

化學需氧量(總數)與化學需氧量(所取)的差值(克/立方米)

認可活頁版，由香港特別行政區政府印務局局長印刷及發行

**〔附屬法例〕**

**COD<sub>cr</sub> (g/m<sup>3</sup>)**

[illegible]

化學需氧量(沉澱)  
(克/立方米)

	0	100	200	300	400	500	600	700	800	900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000
1.000	1.0000	0.9999	0.9997	0.9994	0.9990	0.9985	0.9979	0.9972	0.9964	0.9955	0.9945	0.9934	0.9922	0.9909	0.9895	0.9880	0.9864	0.9847	0.9829	0.9810	0.9790
2.000	0.9999	0.9996	0.9992	0.9987	0.9981	0.9974	0.9966	0.9957	0.9947	0.9936	0.9924	0.9911	0.9897	0.9882	0.9866	0.9850	0.9833	0.9815	0.9796	0.9776	0.9755
3.000	0.9997	0.9993	0.9988	0.9982	0.9975	0.9967	0.9958	0.9948	0.9937	0.9925	0.9913	0.9899	0.9885	0.9870	0.9854	0.9837	0.9820	0.9801	0.9782	0.9762	0.9741
4.000	0.9995	0.9990	0.9984	0.9977	0.9969	0.9960	0.9950	0.9940	0.9929	0.9917	0.9904	0.9891	0.9877	0.9862	0.9846	0.9830	0.9813	0.9795	0.9776	0.9757	0.9736
5.000	0.9993	0.9987	0.9980	0.9972	0.9963	0.9954	0.9944	0.9933	0.9922	0.9910	0.9897	0.9883	0.9869	0.9853	0.9837	0.9820	0.9802	0.9783	0.9764	0.9744	0.9723
6.000	0.9991	0.9984	0.9976	0.9967	0.9958	0.9948	0.9938	0.9927	0.9915	0.9903	0.9890	0.9876	0.9862	0.9846	0.9830	0.9813	0.9795	0.9776	0.9757	0.9737	0.9716
7.000	0.9989	0.9981	0.9972	0.9963	0.9953	0.9943	0.9932	0.9921	0.9909	0.9897	0.9884	0.9870	0.9856	0.9840	0.9824	0.9807	0.9789	0.9770	0.9751	0.9731	0.9710
8.000	0.9987	0.9978	0.9969	0.9959	0.9949	0.9938	0.9927	0.9915	0.9903	0.9891	0.9878	0.9864	0.9850	0.9834	0.9818	0.9801	0.9783	0.9764	0.9745	0.9725	0.9704
9.000	0.9985	0.9975	0.9965	0.9955	0.9945	0.9934	0.9923	0.9911	0.9899	0.9886	0.9873	0.9859	0.9845	0.9829	0.9813	0.9796	0.9778	0.9759	0.9740	0.9720	0.9699
10.000	0.9983	0.9973	0.9962	0.9952	0.9941	0.9930	0.9918	0.9906	0.9894	0.9881	0.9868	0.9854	0.9840	0.9824	0.9808	0.9791	0.9773	0.9754	0.9735	0.9715	0.9694
11.000	0.9981	0.9970	0.9959	0.9948	0.9937	0.9925	0.9913	0.9901	0.9889	0.9876	0.9863	0.9849	0.9835	0.9819	0.9803	0.9786	0.9768	0.9749	0.9730	0.9710	0.9689
12.000	0.9979	0.9968	0.9956	0.9945	0.9933	0.9921	0.9909	0.9896	0.9884	0.9871	0.9857	0.9843	0.9829	0.9813	0.9797	0.9780	0.9762	0.9743	0.9724	0.9704	0.9683
13.000	0.9977	0.9965	0.9953	0.9941	0.9929	0.9917	0.9904	0.9892	0.9879	0.9866	0.9852	0.9838	0.9824	0.9808	0.9792	0.9775	0.9757	0.9738	0.9719	0.9699	0.9678
14.000	0.9975	0.9963	0.9950	0.9938	0.9925	0.9913	0.9900	0.9888	0.9875	0.9862	0.9848	0.9834	0.9820	0.9804	0.9788	0.9771	0.9753	0.9734	0.9715	0.9695	0.9674
15.000	0.9973	0.9960	0.9947	0.9935	0.9922	0.9910	0.9897	0.9884	0.9871	0.9858	0.9844	0.9830	0.9816	0.9800	0.9784	0.9767	0.9749	0.9730	0.9711	0.9691	0.9670
16.000	0.9971	0.9958	0.9944	0.9932	0.9919	0.9906	0.9893	0.9880	0.9867	0.9854	0.9840	0.9826	0.9812	0.9796	0.9780	0.9763	0.9745	0.9726	0.9707	0.9687	0.9666
17.000	0.9969	0.9956	0.9942	0.9930	0.9917	0.9904	0.9891	0.9878	0.9865	0.9852	0.9838	0.9824	0.9810	0.9794	0.9778	0.9761	0.9743	0.9724	0.9705	0.9685	0.9664
18.000	0.9967	0.9954	0.9940	0.9928	0.9915	0.9902	0.9889	0.9876	0.9863	0.9850	0.9836	0.9822	0.9808	0.9792	0.9776	0.9759	0.9741	0.9722	0.9703	0.9683	0.9662
19.000	0.9965	0.9952	0.9938	0.9926	0.9913	0.9900	0.9887	0.9874	0.9861	0.9848	0.9834	0.9820	0.9806	0.9790	0.9774	0.9757	0.9739	0.9720	0.9701	0.9681	0.9660
20.000	0.9963	0.9950	0.9936	0.9924	0.9911	0.9898	0.9885	0.9872	0.9859	0.9846	0.9832	0.9818	0.9804	0.9788	0.9772	0.9755	0.9737	0.9718	0.9699	0.9679	0.9658

化學需氧量(總數)與化學需氧量(所選)的差值(克/立方米)